United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, MARCH 12, 2002 *No. 27*

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 2002.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

BORN-ALIVE INFANTS PROTECTION ACT

Mr. STEARNS. Mr. Speaker, the question I am addressing today concerns Federal policy on when life becomes worthy of recognition and protection. We will have a bill on the floor today, H.R. 2175, the Born-Alive Infants Protection Act; and I am here to advocate its passage, which specifically addresses this policy.

Lately, we can find stories in the news that point up some inconsistencies occurring when individuals, institutions, and policymakers define not just when life begins, but when it becomes worthy of protection. For example, last month the administration announced that a developing fetus should be eligible for the S-CHIP program of government-funded health insurance for low-income children. Then last week, surgeons performed delicate cardiac surgery on the grape-sized heart of a 23-week-old fetus. Finally, in other news, many pregnant widows of fallen husbands in the September 11 terrorist attack are receiving compensation for their yet unborn child. It seems the States of Virginia and New York recognize a fetus as a surviving dependent, while today in Congress, we debate the status of a baby who has already been delivered outside of his or her mother's womb. In all of these examples, in fact, the fetus is recognized as worthy of protection, while here we debate over protecting an already born baby. Obviously, this bill is necessary. These are living babies who must be protected.

In the midst of all of this, there are some who advocate a policy we find questionable here in Congress. For example, consider Peter Singer, professor of bioethics at the University Center for Human Values at Princeton University. According to the Washington Times, in his 2000 book, ''Writings on an Ethical Life,'' he discusses how some societies consider it virtuous to kill handicapped newborns. Professor Singer writes, ''If we can put aside these emotionally moving but strictly irrelevant aspects of killing the baby, we can see that the grounds for not killing persons do not apply to newborn infants.'' This is disturbing language. More illustratively, in a Committee on the Judiciary July 20, 2000, hearing, we learned from registered nurses Jill Stanek and Allison Baker that the hospital at which these women worked, Advocate Christ Hospital in Oak Lawn, Illinois, has a written policy outlining procedures to perform when a child is unwanted. Christ Hospital calls it ''induced labor abortions.''

Now, according to the July 20, 2000, testimony of Nurse Stanek, physicians willfully, prematurely induce labor with the intention of delivering a not yet viable child; but if the baby is born alive, he or she is simply left to die. A nurse might take it to what they call a ''comfort room'' where it does die.

According to Princeton University President Harold Shapiro's statement in the Princeton Weekly Bulletin on December 7, 1998, Professor Singer, in a letter of his own to the Wall Street Journal, notes that significant advances in medical technology require us to think in new ways about how we should make critical medical decisions about life and death. Professor Singer wrote that ''our increased medical powers mean that we can no longer run away from the question by pretending that we are 'allowing nature to take its course.' In a modern intensive care unit, it is doctors, not nature, who make the decisions.'' However, I fail to see how this hospital can shrug it off, innocently claiming nature is taking its course by letting prematurely delivered infants die when it was a medical intervention of physicians that induced his or her birth.

Mr. Speaker, H.R. 2175, the Born-Alive Infant Protection Act, firmly establishes that an infant who is completely expelled or extracted from his or her mother and who is alive is considered a person for purposes of Federal law. For those who exclaim this is an ''assault'' on Roe v. Wade, this bill does not touch Roe v. Wade, which clearly pertains to a fetus in the uterus, not a baby already expelled outside his or her mother. For those who say this legislation is not needed because many States already have these laws on the books, I point to Christ Advocate Hospital where this still is occurring, and to other hospitals and other people like

Professor Singer who may continue to uphold this concept.

As an original cosponsor of this bill, I ask that this Chamber swiftly pass this piece of legislation. I am dismayed that we need it; but protecting the legal status of a baby who is already born is the logical, humane course for America to take.

THE BUDGET REVERSAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a debate about the budget and Social Security. Tomorrow Republicans mark up their budget in committee. Next week they put it on the floor for consideration. Their budget will reveal the following facts: Republicans spent $4 trillion in surplus funds. They created deficits as far as the eye can see. They drained $2 trillion from Social Security, breaking promises made repeatedly to safeguard these funds. Their policies reversed 8 years of progress. Their budgets brought a historic reversal that impacts people's lives.

Fifteen months ago, unemployment was under 4 percent. We were having serious discussions about what we were going to do with this huge and mounting surplus. How much should we save for Social Security? How much should we put into Medicare? How much should we invest in a prescription drug program? Should we put more money in education? Should we pay down more debt? And there were many who said that we could do all of it because the surplus was so enormous.

So where are we today, March 12, 2002? We are not discussing what to do with the surplus. The surplus is just about gone. Today we are having that tired, troubled discussion we had for much of the last 20 years: What are we going to do about the deficit? How are we going to save Social Security? What are we going to do to save Medicare? And how are we going to take care of health insurance for the unemployed?

This is a Republican budget that breaks promises made over and over in the last 3 years to protect Social Security. It fails to keep our intergenerational contract and commitment. It threatens the retirement security of millions of baby boomers. In the aftermath of Enron, it is the height of irresponsibility.

Five times, Republicans put bills on this floor to create Social Security lock boxes. They voted five times to make the trust fund for Social Security inviolate. They voted five times to save Social Security first. Yet, they put forward a budget that jeopardizes Social Security just as the baby boomers are about to retire. Their budget spends the Medicare surplus in each of the next 10 years. It makes a meaningful Medicare prescription drug program impossible. It reduces our commitment to public education, and it cuts programs promoting clean air and water that makes a difference in children's lives.

This is not a debate in the end about the budget. It is a debate about integrity, and it is a debate about responsibility. It is a debate about the values we want guiding our budget decisions.

What are our values? In this budget, our values call for keeping our commitments by saving Social Security first. Our values call for adding a real prescription benefit to Medicare, where it belongs. Our values call for making every public school a great and successful public school. Our values call for paying the Federal debt down. Our values call for cutting taxes in order to promote long-term economic growth and opportunity.

I will never forget 1993. We balanced the budget. We made tough choices because we believed in opportunity, responsibility, and community. We put that plan together using the right values.

So I urge Republicans, let us pass a budget that invests in national security, homeland defense, education, prescription drugs and our environment, and keeps Social Security sound and puts the Nation back on the path to fiscal health. Let us have an economic growth summit to reach the goals we all share. Let us get about keeping our commitments. Let us get about saving Social Security first and doing it beginning today.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, clearly, this administration and the Congress have done a good job at tackling the issue of terrorism, but there are many other important issues which need our attention, and one of these is Social Security.

Last May, this administration was giving us a different message on Social Security. We were told we could have a tax cut, save the Social Security surpluses, pay down the debt, and fund other urgent national priorities. Today, we are in a far different situation. We are not saving any of the surpluses; in fact, we are spending them. Mr. Speaker, $1.5 trillion over 10 years of Social Security surpluses are going to be spent under the current budget plans. We are not paying down the debt. We are, in fact, increasing the debt, unlike the predictions that were made. Plans are under way to increase the national debt ceiling, so we are headed into more debt, rather than as it was promised earlier we were going to be out of debt in 10 years.

Why is the erasing the debt important? It is important because by paying down debt, we are freeing up resources to help save Social Security.

At points in our history in dealing with this debt, 25 cents of every tax dollar that comes in has been spent on just servicing the debt. So if we lower that debt amount, that 25 cents, then we are freeing up resources, current resources that are coming in to protect Social Security. That means we are going to have Social Security there for the long term.

Last year, all of us repeatedly promised to protect the Social Security and Medicare trust fund surpluses and promoted a series of lock box proposals as evidence of their commitment. Now, however, this administration's budget diverts $1.5 trillion of the Social Security Trust Fund surpluses for day-to-day government operations for the next 10 years and beyond.

□ 1245

Even taking the administration's optimistic numbers at face value, according to the CBO this administration's budget spends hundreds of billions of dollars from the Social Security trust fund.

Moreover, the Social Security surpluses that the budget depletes are needed to finance the benefits promised under existing law. Strengthening these programs to prepare for the baby boom's retirement or adding even the administration's inadequate prescription drug benefit requires resources outside of these surpluses. Since the budget does not provide such resources, these programs will require benefit cuts or even more borrowing to remain sound for the long term, as noted in the recent report of the President's hand-picked Social Security Commission.

The administration proposes a budget with a $1.5 trillion on-budget deficit over the next 10 years. Two weeks ago, the Congressional Budget Office confirmed that the enacted tax cut was the largest single factor in the $4 trillion deterioration of the budget. Now, the administration proposes to undermine the fiscal outlook with about an additional $600 billion in tax cuts. Every penny of these additional tax cuts comes out of Social Security and Medicare trust fund surpluses.

In addition to this assault on the Social Security surplus, the Social Security Commission marks further danger to this highly successful program. To nobody's surprise, the commission is a strong advocate to create individually controlled, voluntary personal retirement accounts.

I supported the establishment of USA accounts, which would exist as a separate retirement vehicle outside of Social Security and would include Federal matching funds to encourage Americans to save. However, this administration's plan, through this commission, would divert $1 trillion out of the Social Security system and into private accounts. This will double Social Security's shortfall and deplete

the trust fund by 2003, 15 years earlier than currently projected.

Moreover, under President Bush's plan, seniors will be forced to rely on private accounts that rise and fall with the stock market, thereby leaving their retirement security vulnerable to fluctuations in the market.

This program is too important to gamble with a volatile stock market, and Social Security must continue to be a vital safety net in the future. We must do everything possible to ensure it survives to provide benefits for all Americans.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, to my great disappointment, President Bush, with the assistance of the gentleman from Texas (Mr. ARMEY) and other Republicans, are promoting Social Security privatization. This includes replacing all or part of the current Social Security program with a system of individual retirement accounts which diverts funds from Social Security, and thus transfers investment risks from a pool of all workers to the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts makes Social Security's financing problems worse, not better. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then even more funds will be needed to pay for future Social Security benefits.

For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than is now expected. In short, if funds are diverted away from the Social Security program as it currently exists, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

Mr. Speaker, Congress really should strengthen and protect a guaranteed benefit for seniors, for survivors, and for those with disabilities. Today, individual benefits are dependable and determined by law, not the whims of the stock market. This guarantee must not be changed, and Social Security must not, under any circumstances, be privatized.

Mr. Speaker, I would like to highlight that the Republican budget uses Social Security to pay for large corporate tax breaks. For example, there are 136,559 American workers earning $30,000 a year who are paying 6.2 percent in FICA taxes. This money goes into the Social Security trust fund, from which the Republicans have now diverted, in the budget, $254 million in tax breaks to Enron; and that is Enron, I am talking about.

Now, we know that Enron is bankrupt. Does that mean that the corporate tax break goes back to the trust fund where it belongs? No, not at all. It will go to other corporations instead. By using the Social Security trust fund to finance corporate tax breaks, Republicans are breaking the promise that the government makes to working families.

Mr. Speaker, Social Security will continue to run an annual surplus this year and for the next 14 years. The program is solvent until 2037, at which point the trust fund will be exhausted and incoming revenues will meet only about three-quarters of benefit obligations.

But privatization is sure to harm only the solvency of Social Security, which will mean that the current and future beneficiaries would face benefit cuts, survivors and the disabled would lose their secure pensions, and the retirement age would have to increase. Overall, the Social Security system that our seniors have depended on for over 65 years would quickly erode away.

Mr. Speaker, I do not think that the American people realize what the effect of this Republican privatization proposal means. It means that it is going to be more difficult for Social Security to remain solvent over a longer period of time, and with these kinds of benefit cuts and increases in the age for eligibility, all these things will result from this Republican privatization proposal that they have put out there.

It is amazing to me that they continue to talk about it, they want to bring it up in committee, and they want to bring it to the floor. I think ultimately their goal, obviously, will be to destroy Social Security. I want to stress, as a Democrat, that Democrats are not going to stand for throwing away Social Security. The American people should not stand for it.

Democrats are going to be talking about this crazy privatization proposal by the Republicans for many days because we do not want it to happen, and we feel it is very important that we shed light on what is really going on here and what the Republicans have in mind with privatizing Social Security.

SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning hour debates for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, we could have no higher goal than to protect and improve the financial security of retirees, survivors, dependents, and disabled workers.

For 67 years, Social Security has been the bedrock of that security. Nearly 46 million people living in one out of every four households in this country today receive monthly benefits from Social Security. Social Security provides critical insurance protections against the future loss of income due to retirement, death, or disability for 96 percent of all workers, their spouses, and their children. Social Security provides over half of the total income for the average elderly household.

For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women in this country would be living in poverty.

It is our responsibility to ensure that the Social Security program guarantee is here today, tomorrow, and for generations to come. It is our job, as elected officials, to enact the policies needed to maintain that guarantee and to reject policies that undermine Social Security; it is not our job to spend taxpayer dollars to send out worthless paper certificates designed to provide a false sense of security to American seniors and their families. We should not be engaged in a public relations campaign, but rather in a serious policy discussion that lets us debate how best to continue the Social Security commitment, to guarantee lifelong and inflation-proof benefits.

I understand why the Republican leadership may want to delay that debate until after the next election. I can understand why they want to distance themselves from recent history.

First, there is the budget record. Despite all the rhetoric about putting Social Security revenues in a lockbox, the lock to that box has been picked by Republican budgets. It is true that the lockbox resolution passed in the House provided certain exceptions, such as war or recession, but it is not true that one of those exceptions was providing tax breaks to the wealthy. The Congressional Budget Office has indicated that the single largest factor in the disappearing budget surplus is last year's tax cut.

As Members know, the Congressional Budget Office has estimated that even without new taxes or spending, we will take $900 billion from the Social Security trust fund over the next 9 years. Now President Bush is proposing new tax cuts of $675 billion over 10 years and $343 billion to make last year's tax cuts permanent, most of which go to the wealthiest, money that will come out of Social Security and Medicare.

The Bush budget proposes to take $553 billion of the Medicare surplus and $1.5 trillion of the Social Security surplus over the next decade, and I doubt that any certificate will assure senior citizens that Social Security solvency is a priority, given those figures.

Second, there are those unfortunate statements by Treasury Secretary O'Neill.

Last May, in an interview with the Financial Times, Secretary O'Neill stated that ''Able-bodied adults should save enough on a regular basis so they

can provide for their own retirement and, for that matter, health and medical needs.'' In July, Secretary O'Neill stated that ''The Social Security trust fund does not consist of real economic assets.''

Again, it is hard to argue that those are ringing endorsements of Social Security. If the Treasury Secretary believes that the assets in the trust fund are just worthless paper, why should Social Security beneficiaries have any faith in a certificate or in an administration to protect their best interests?

Most important, there is the President's Commission on Social Security. All of those appointed to the Commission last May were supporters of privatization, which may explain why none of those appointed to the Commission last May represented recognized senior, disability, women's, or minority organizations.

The three plans put forth by the Commission last December all include variations on the privatization theme. All the plans would jeopardize the Social Security guarantee in one way or another. Privatization would drain between $1 trillion and $1.5 trillion from the Social Security trust fund over the next decade alone. Privatization would shorten the life of the trust fund. One plan would increase the long-term Social Security deficit by 25 percent. Another tries to deal with the deficit by transferring $6 trillion from the U.S. Treasury between 2021 and 2054 to make up the deficit.

Taking general revenues might help Social Security, but it would also eliminate resources necessary for Medicare, Medicaid, the Older Americans Act, job training, education, and other essential programs.

Privatization would jeopardize benefits to current and future beneficiaries. One of the Commission's proposals would cut benefits for future retirees by calculating initial benefits on the basis of growth in CPI rather than wages, which would greatly reduce the standard of living. Privatization would force workers to work longer in order to maintain benefits.

What we should be doing is rejecting privatization of Social Security. We should be working to strengthen it, and we should be strengthening Social Security, not privatizing it.

THE PRESIDENT'S NEW NUCLEAR POSTURE PAPER: HOW MANY THINGS CAN WE FIND WRONG WITH THIS PICTURE?

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, this new nuclear posture paper that the Bush administration has presented itself, from the Pentagon to the President, looks like an entry in a contest as to how many things can we find wrong with this picture.

To begin, most shockingly, it proposes to reduce the barrier that has long existed against the use of nuclear weapons. It proposes that we consider using nuclear weapons against non-nuclear nations. It proposes using nuclear weapons in a variety of ways previously uncontemplated, or at least not advocated in our policy.

There are several things, of course, wrong with that. In the first place, any American policy of trying to discourage other countries to develop nuclear weapons could not be more seriously undermined by anything we do.

□ 1300

The town drunk is not going to be very credible preaching temperance, and having America threaten a more promiscuous use of nuclear weapons makes no sense whatsoever. If, in fact, the policy were to be carried out, it would, of course, add greatly to the billions that would be spent in development of these newer weapons to be used in new situations, further straining our ability to meet important domestic needs. It could very well mean a violation of the proposal of the nuclear test ban treaty and of our, up until now, policy of not testing.

Reducing the psychological, physical, strategic barrier to the use of nuclear weapons is a very, very poor policy; but there is a silver lining. As with the proposal to have the Pentagon lie to us and others, as with the proposal to use military tribunals in place of the American domestic courts, as the Attorney General once suggested, we are now being told, well, never mind.

The Pentagon has developed a very interesting approach and the Bush administration with it. This is the third time we have seen very, very extreme proposals which when they encounter resistance we are told we should not have paid a great deal of attention to.

I am unpersuaded that the proposals were not meant in the first place. I am pleased in the face of the very wide and very thoughtful criticism that these proposals have brought forth the administration backs down; but we cannot be sure that they have totally disappeared and of all of the proposals this suggestion, more than a suggestion, this policy review urging more use of nuclear weapons in more situations against more countries is really quite frightening.

The President has justly commanded virtually unanimous support in the United States in his defense of America against terrorism. It cannot be in our interests for him to raise serious questions about his judgment in other strategic areas.

It is important that this policy not simply be characterized as a mere option but, in fact, repudiated thoroughly. There cannot be continuing suggestion, even more than a suggestion, that the United States contemplates this sort of use of nuclear weapons. Its impact on our alliances will be corrosive. It will have a negative, rather than a positive, effect on our ability to persuade even those countries to which we are opposed to respond in sensible ways.

The President's effort to work out some kind of role with Russia is undermined by this and particularly by the suggestion when he says he is going to take some nuclear weapons down, he simply means putting them in another place. This clearly undermines our efforts to reach agreement with China, with Russia and with a whole range of other countries; and it is a very embarrassing episode for the United States. I am pleased that the administration now appears to be backtracking, but it is important that we make sure that this one does not rise again.

Mr. Speaker, I would like to insert into the RECORD at this point some very good discussions of the absolute fallacy of this proposal, today's editorial from the New York Times, ''America as Nuclear Rogue''; today's editorial from the Boston Globe, ''A Twisted Posture''; and a very good article in today's Boston Globe by the writer Thomas Oliphant entitled, ''Bush's Stealth Policy on Nuclear Arms.''

I hope, Mr. Speaker, that this is the last time the Pentagon is going to play this game of putting forward something that is so demoralizing that it has to be withdrawn. We would be much better if these kinds of grave errors were not made in the first place.

[From the Boston Globe, Mar. 12, 2002]

BUSH'S STEALTH POLICY ON N-ARMS

(By Thomas Oliphant)

WASHINGTON.—It is not simply the fresh list of countries that the United States is willing to consider nuking someday.

What is truly significant—as well as stupid, scary, and outrageous—is the almost casual breaking of long-standing policy taboos about the unthinkable and the implications of this cavalier attitude for relations with the rest of the world and for future arms races.

The Russians and Chinese already know the United States is unilaterally departing from the 1972 treaty effectively banning missile defense systems. Now the world has reason to doubt the American commitment to the 1974 treaty to guard against nuclear proliferation as well as the honesty and good will of Bush administration ''pledges'' to cut back our post-Cold War nuclear arsenal and to maintain a moratorium on testing.

The cover story the administration sought to peddle on last weekend's TV talk shows—via Secretary of State Colin Powell and National Security Adviser Condoleezza Rice—is that contingency plans to target Syria, Libya, Iran, Iraq, North Korea, Russia, and China are more theoretical exercises than serious policy work and that no special notice need be taken.

The cover story is belied by actual intentions as revealed to Congress in a freshly completed Nuclear Posture Review and in the very faint, fine print of the recently unveiled Bush budget. Over the weekend the headline-making list of countries leaked from Capitol Hill, but as part of a leak of the underlying policy document that began four weeks ago.

On Feb. 13, the Natural Resources Defense Council—well-known for its thorough, documented research—put out the first detailed

summary of the posture review that had been ordered by Congress in late 2000 and of a special briefing the Defense Department has conducted on the document—without the secret list of countries.

At the time, no one really noticed. With the addition of the countries, The Los Angeles Times got noticed. Here's the council's highly critical but accurate summary view four weeks ago:

''Behind the administration's rhetorical mask of post-Cold War restraint lie expansive plans to revitalize U.S. nuclear forces and all the elements that support them, within a so-called ''New Triad'' of capabilities that combine nuclear and conventional offensive strikes with missile defenses and nuclear weapons intrastructure.''

If the basic purpose of nuclear weapons since the end of World War II had been to prevent their use and proliferation, the deadly serious review by the Bush administration—with the force plans and massive spending as accompaniments—results in a doctrine that contemplates their use and appears indifferent to their proliferation.

Numbers tell a large chunk of the story. When the administration's intention unilaterally to abrogate the ABM treaty was made known, President Bush made much of a supposed intention to reduce its supply of deployed warheads from roughly 8,000 to below 4,000 in 2007 and eventually to between 1,700 and 2,200.

What the posture review actually reveals is a plan to cut ''immediate force requirements'' for ''operationally deployed forces.'' What's going on here is more a change of terms than in posture, hidden by a new, gobbledygook accounting system that the council properly declared ''worthy of Enron.''

Behind the clearly visible nuclear inventory, the council found a ''huge, hidden arsenal.'' It included, but no longer ''counted,'' warheads on two Trident submarines being overhauled at all times, as well as 160 more now listed as ''spare.'' It included nearly 5,000 intact warheads now in a status called ''inactive reserve,'' not to mention a few thousand more bombs and cruise missile warheads as part of a new ''responsive force.'' And on top of that there is to be a stockpile of weapons-grade plutonium and other components from which thousands more weapons could be assembled quickly. Extrapolating the information, the Defense Council estimated that the United States would have a total of 10,590 warheads at the end of 2006, compared with 10,656 this year.

And there's more. The administration's posture review also discloses plans to greatly expand the nuclear war infrastructure and to prepare for a resumption of testing, in part to make possible a new generation of warheads that could penetrate deep into the ground.

The rules of the nuclear road from the U.S. perspective have never included a flat-out promise never to be the first combatant to resort to nuclear war. During the Cold War, the United States was always prepared to go nuclear to stop a massive, conventional attack from the east in Europe, and before the Gulf War, Saddam Hussein got a stern message that all bets were off if he used chemical or biological weapons.

But this is different. This is a plan to use nukes in conventional war-fighting and to maintain a Cold War-sized arsenal by stealth and deception. It is disgraceful.

[From the New York Times, Mar. 12, 2002]

AMERICA AS NUCLEAR ROGUE

If another country were planning to develop a new nuclear weapon and contemplating pre-emptive strikes against a list of non-nuclear powers, Washington would rightly label that nation a dangerous rogue state. Yet such is the course recommended to President Bush by a new Pentagon planning paper that became public last weekend. Mr. Bush needs to send that document back to its authors and ask for a new version less menacing to the security of future American generations.

The paper, the Nuclear Posture Review, proposes lowering the overall number of nuclear warheads, but widens the circumstances thought to justify a possible nuclear response and expands the list of countries considered potential nuclear targets. It envisions, for example, an American president threatening nuclear retaliation in case of ''an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan.''

In a world where numerous countries are developing nuclear, biological and chemical weapons, it is quite right that America retain a credible nuclear deterrent. Where the Pentagon review goes very wrong is in lowering the threshold for using nuclear weapons and in undermining the effectiveness of the Nuclear Nonproliferation Treaty.

The treaty, long America's main tool for discouraging non-nuclear countries from developing nuclear weapons, is backed by promises that as long as signatories stay non-nuclear and avoid combat alongside a nuclear ally, they will not be attacked with nuclear weapons. If the Pentagon proposals become American policy, that promise would be withdrawn and countries could conclude that they have no motive to stay non-nuclear. In fact, they may well decide they need nuclear weapons to avoid nuclear attack.

The review also calls for the United States to develop a new nuclear warhead designed to blow up deep underground bunkers. Adding a new weapon to America's nuclear arsenal would normally require a resumption of nuclear testing, ending the voluntary moratorium on such tests that now helps restrain the nuclear weapons programs of countries like North Korea and Iran.

Since the dawn of the nuclear age, American military planners have had to factor these enormously destructive weapons into their calculations. Their behavior has been tempered by the belief, shared by most thoughtful Americans, that the weapons should be used only when the nation's most basic interest or national survival is at risk, and that the unrestrained use of nuclear weapons in war could end life on earth as we know it. Nuclear weapons are not just another part of the military arsenal. They are different, and lowering the threshold for their use is reckless folly.

[From the Boston Globe, Mar. 12, 2002]

A TWISTED POSTURE

The Bush administration's classified new Nuclear Posture Review, presented to Congress in early January and leaked this month to the Los Angeles Times, proposes new departures in the nation's military planning that are questionable at best and, at worst, truly dangerous and destabilizing.

The Nuclear Posture Review, signed by Secretary of Defense Donald Rumsfeld, amounts to a blueprint for undertaking what Joseph Cirincione, director of the Non-Proliferation Center at the Carnegie Endowment, calls ''a major expansion of the role of nuclear weapons in US military policy.'' The new posture calls for new nuclear weapons, new missions and uses for those weapons, and a readiness to resume nuclear testing.

These are among the changes in US nuclear doctrine that make the leaked review dangerous. The hawkish proponents of these changes were lobbying for mininukes and deep-penetrating bunker-busters well before the terrorist attacks of Sept. 11. They were also proposing resumed nuclear testing before that nightmarish atrocity. The reality, however, is that nothing in the Nuclear Posture Review would be likely to deter or counter the threat from terrorists sharing Osama bin Laden's demented notion of a holy war against America.

The review threatens to become destabilizing—and therefore to expand rather than reduce American security risks—because it recommends a lowering of the threshold for the use of nuclear weapons. Until now, America's nuclear arsenal was plainly meant only to deter other nuclear powers—principally the defunct Soviet Union—from using against the United States or from invading Western Europe.

Now those limits on the envisaged uses of nuclear weapons are to be abandoned. The new posture recommends that nuclear weapons ''could be employed against targets able to withstand nunnuclear attack,'' in response to another country's use of chemical, biological, or nuclear weapons, and ''in the event of surprising military developments.''

If America, with its enormous technological and military advantages, says it is willing to resort to nuclear weapons under such vague conditions, what might nuclear states such as India and Pakistan be willing to do? And if the Pentagon conducts new tests of smaller, more usable nuclear warheads, why would India, Pakistan, and China not follow suit, ending the current suspension of nuclear tests and provoking a nuclear arms race?

The Pentagon's plan for enhancing ''nuclear capability'' and lowering the barrier against the use of nuclear weapons holds little hope of deterring new threats from terrorists or being able to eradicate Saddam Hussein's bioweapons, but it does increase the risk that nuclear weapons will be used in war. It should be revised to preserve the purely deterrent uses of nuclear weapons.

RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Dr. David F. Russell, National Chaplain, American Legion, Spotsylvania, Virginia, offered the following prayer:

Our dear most gracious Heavenly Father, in whom we put our trust, we humbly thank You for this avenue of prayer in which we may come on behalf of this legislative body of government. We ask that You grant wisdom for all those who gather in this assembly that they, in turn, always act in the best interest of this Nation and its people whom they represent.

Give them a desire, Sir, to seek Your divine guidance and direction in all their deliberations. Reach deep into their innermost emotion and intellect to bring them together in unity and act as one. Enable them to set aside personal desires to see Your divine will and way for this great Nation.

May they, and we, always be mindful, the future of our Nation, our lives, our very being rests in Thy eternal hands.

Bring them together in a spirit of humility and love for Thee and these United States of America.

We pray these petitions in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. Pence led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT BORN-ALIVE INFANTS PROTECTION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that the Almighty sets before us blessings and curses, life and death, and that we are to choose life so that we and our children might live.

This week on this floor, in this Chamber, in this country, our Congress will have the opportunity to say ''yes'' to life by supporting the Born-Alive Infants Protection Act.

In this act, we essentially firmly state that a child that is extracted from the womb and is alive is a person under the law entitled to all of the due process protections of our Constitution. Many may believe that this legislation is unnecessarily divisive and not required. But according to testimony before the Subcommittee on the Constitution, two nurses testified, Mrs. Stanek and Mrs. Baker from the Christ Hospital in Illinois, that in their hospital there are abortion practices that include inducing labor and allowing a born-alive child simply to die.

It is important this week on this occasion that Congress and America choose life. Let us today support the Born-Alive Infants Protection Act and the transcendent value of human life that is encompassed therein.

SAVE SOCIAL SECURITY FIRST

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to lament the late great lockbox. You remember the lockbox. That was our promise not to spend Social Security trust funds on anything other than preserving the solvency of Social Security. Well, this administration's budget breaks into the lockbox. It obliterates the lockbox.

The Congressional Budget Office reports that the Republican budget spends $179 billion from the Social Security trust fund on other programs. You will hear quickly that this is because of the war. That is not true. The deficit that is forcing us to break into the Social Security trust fund, 43 percent of it is due to tax cuts, tax cuts for the very wealthy, tax cuts for corporations like Enron who stand to gain $254 million in tax breaks. I think that is wrong.

When we had a surplus a year ago and when we did not have a war, tax cuts made sense. But now today, facing a war, facing a deficit, we cannot afford these tax cuts. It breaks a promise that we made to the working families of America, and I believe it is just plain wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2175) to protect infants who are born alive.

The Clerk read as follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Born-Alive Infants Protection Act of 2001''.

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

''§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

''(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

''(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

''(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

''8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2175, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill, the Born-Alive Infants Protection Act, is to protect all infants who are born alive by recognizing them as a person, human being, child or individual for purposes of Federal law. This recognition would take effect upon the live birth of an infant, regardless of whether or not his or her development is sufficient to permit long-term survival and regardless of whether or not he or she survived an abortion.

It has long been an accepted legal principle that infants who are born alive are persons and thus entitled to the protections of the law. Many States have statutes that explicitly enshrine this principle as a matter of State law and some Federal courts have recognized the principle in interpreting Federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

In its July 2000 ruling in Stenberg v. Carhart, the United States Supreme Court struck down a Nebraska law banning partial-birth abortion. In doing

so, the Carhart court considered the location of an infant's body at the moment of death during a partial-birth abortion, delivered partly outside the body of the mother, to be of no legal significance. Indeed, two members of the majority, Justices Stevens and Ginsburg, went so far as to say that it was, quote, ''irrational,'' unquote, for the Nebraska legislature to take the location of the infant at the point of death into account. Thus, as Justice Scalia noted in dissent, the result of the Carhart ruling is to give live-birth abortion free rein.

Following Stenberg v. Carhart, the United States Court of Appeals for the Third Circuit made this point explicit in the case of Planned Parenthood of Central New Jersey v. Farmer when it struck down New Jersey's partial-birth abortion ban. According to the Third Circuit, under Roe v. Wade and Carhart, it is nonsensical and based upon semantic machinations and irrational line-drawing for a legislature to conclude that an infant's location in relation to his or her mother's body has any relevance in determining whether or not an infant may be killed.

The logical implications of Carhart and Farmer are both obvious and disturbing. Under the logic of these decisions, once a child is marked for abortion, it is wholly irrelevant whether the child emerges from the womb as a live baby. That child may still be treated as though he or she did not exist, and would have not the slightest rights under the law, no right to receive medical care, to be sustained in life, or to receive any care at all. If a child who survives an abortion is born alive and had no claim to the protections of the law, there would be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die. The right to abortion, under this logic, means nothing less than the right to a dead baby, no matter where the killing takes place. Thus, the Carhart and Farmer rulings have essentially brought our legal system to the threshold of accepting infanticide itself, making it necessary to firmly establish the ''born alive'' principle in Federal law.

The Born-Alive Infants Protection Act is designed to repudiate the destructive ideas that have brought the born-alive rule into question, and to firmly establish that, for purposes of Federal law, an infant who is completely expelled and extracted from his or her mother and who is alive is, indeed, a person under the law.

This bill draws a bright line between the right to abortion and infanticide, or the killing or criminal neglect of completely born children. The bill clarifies that a born-alive infant's legal status under Federal law does not depend upon the infant's gestational age or whether the infant's birth occurred as a result of natural or induced labor, cesarean section, or induced abortion.

Thus, the Born-Alive Infants Protection Act protects the legal status of all children born alive and affirms that every child who is born alive has an intrinsic dignity which does not depend upon the interests or convenience of anyone else.

I urge my colleagues to support H.R. 2175.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

We today consider legislation reaffirming an important principle which is enshrined in the laws of all 50 States and unquestioned in law, that an infant who is born and who is living independently of the birth mother is entitled to the same care as any other child similarly diagnosed regardless of whether labor was induced or occurred spontaneously. It has never been particularly clear to me why we need to legislate that which most Members of Congress and the general public already understand to be the law; but if the majority is interested in restating well-settled law, there is no harm to that.

The same measure passed last year as an amendment to the Patients' Bill of Rights legislation in the Senate by a vote of 98–0, which is about as uncontroversial as something can get. Certainly it proved to be less controversial than the Patients' Bill of Rights.

I am pleased that the majority has made a serious effort in this draft of the bill to make clear that this bill has nothing to do with matters related to abortion, even going so far as to add subsection (c) further clarifying that point. Whatever concerns some may have had that this bill might be some clever way to undermine the rights protected under Roe v. Wade have, I think, been eliminated. Unless someone attempts to disrupt this effort by dragging the abortion debate back into it, I have little doubt that the bill will pass without much controversy.

I would like to address the concern that our Republican colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), has enunciated most eloquently.

□ 1415

That is the standard of care employed by neonatologists when faced with a nonviable newborn or clearly critical ill or massively deformed newborn. These are difficult medical issues and often horrendous circumstances which confront families hoping for the gift of parenthood.

I am aware of the fact that these are complex issues with which doctors, hospitals, families and courts grapple every day. What is important to remember is that this legislation, by its plain meaning and by the stated intent of the authors, does not intrude into these difficult decisions or change the standard of care required by law.

As the committee's report makes clear, ''The protections afforded newborn infants under H.R. 2175 for purposes of Federal law are consistent with the protections afforded those infants under the laws of the 30 States and the District of Columbia that define a live birth in virtually identical terms. Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat premature infants below a certain birth weight, this is a dispute about medical efficacy, not regarding the legal status of the patient. That is, the standard of medical care applicable in a given situation involving a premature infant is not determined by asking whether that infant is a person. Medical authorities who argue that treatment below a given birth weight is futile are not arguing that these low-birth-weight infants are not persons, only that providing treatment in these circumstances is not warranted under the applicable standard of medical care. H.R. 2175 would not affect the applicable standard of care, but would ensure simply that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law.''

I do not want to trivialize the concerns of neonatologists, but I was gratified by the testimony that we received from the majority witnesses at our subcommittee hearing on this legislation, which indicated that, while an infant may be considered ''born alive'' under this legislation, this proposed law would not in any way substitute the medical judgment of Congress for the judgment of doctors on the scene or interfere with the painful decisions that families must make under the most difficult of circumstances. We must respect families and not have the big hand of government make their worst moments even more unbearable. I trust the sponsors of this legislation are in agreement on this point.

There has been some debate over the question, and the gentleman from Wisconsin mentioned this, whether there is some sort of recognized legal right to a dead baby when a parent intends to abort a fetus. My colleagues well know that the line drawn by the Supreme Court is that of viability within the womb, and that outside the womb the normal laws governing the appropriate care of newborns, taking into account the prognosis made by a trained health care provider, apply. This bill reinforces the law as we know it to be. It does not change it in any respect.

I hope that we can agree for once to avoid the overheated rhetoric, deal with the bill in front of us and not some other unrelated grievance. As the Hippocratic Oath states, it will ''do no harm.'' If we must put on a show for some of the antiabortion extremists, let us get over it and get back to dealing with the real problems this country has.

I want to say also with respect to the comments of the gentleman from Wisconsin of, the question of born alive, of

a right to a dead baby, has been joined into question only in the fevered imaginations of some in the antichoice camp. But there is no harm in assuaging their concerns, there is no harm in making clear that the law is what we always know it to be. There is no right to a dead baby in an attempted abortion. There is no right, it is against the law, it is murder, to kill an infant born alive. The cases that were cited did not deal with a baby born alive under the definition in this bill, which is also the definition of the laws of most of the States, it dealt with a baby prebirth.

So there is no problem with this bill, it has nothing to do with abortion, it does not do harm to neonatology, and I see no harm in passing the bill. I see no good in passing the bill either, except that it will satisfy the concerns of some people about some recent Supreme Court decisions, and that is a useful enough thing, so we can get back to debating the real issues.

I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, at the risk of not quitting while I am ahead, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT), who will tell the Members what good this bill will do.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time, and also for his leadership in moving forward on this important piece of legislation.

Last summer, over 70 original cosponsors joined with me in introducing H.R. 2175, the Born-Alive Infants Protection Act. The purpose of this bill is to respond to recent legal and cultural developments and protect all infants who are born alive by recognizing them as a ''person, human being, child or individual'' for purposes of Federal law.

Recent court decisions have called into question the rights entitled to newborn babies. Under the logic of the Supreme Court's decision in the Stenberg v. Carhart case, the long-accepted legal principle that infants who are born alive are persons entitled to the protections of the law has been called into question, bringing our culture and legal system closer than ever believed possible to accepting infanticide.

By failing to recognize as legally significant the location of an infant's body at the moment it is killed during an abortion, the Court's ruling opened the door for future courts to conclude that the location of an infant's body at the moment it is killed during an abortion, even if fully born, has no legal significance whatsoever.

The principle that born-alive infants are entitled to protection of the law is also being questioned at one of America's most prestigious universities. Amazingly, Princeton University bioethicist, Peter Singer, argues that the life of a newborn baby is ''of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness or capacity to feel.'' Thus, ''Killing a disabled infant is not morally equivalent to killing a person. Very often, it is not wrong at all.''

Think of that.

If such logic is allowed to go unchecked, the end result will be legal and moral confusion as to the status of newborn infants that are on the outskirts of viability or were marked for abortion prior to their unintended birth.

As chairman of the Subcommittee on the Constitution, I presided over hearings during which the subcommittee received credible and disturbing testimony that such confusion already exists. According to eyewitness accounts, live-birth abortions are being performed on healthy infants as late as the 23rd week of pregnancy, and beyond, that suffer from nonfatal deformities resulting in live-born premature infants who are simply allowed to die, sometimes without the provision of warmth or nutrition.

Our subcommittee was told of a living infant who was found in a soiled utility closet; another who was found naked on the edge of a sink; and another infant who, horribly, was wrapped in a disposable towel and thrown in the trash, only to be later found after falling out of the towel and onto the floor.

One witness, Nurse Jill Stanek, told the subcommittee about a live-birth abortion performed on a healthy infant at more than 23 weeks of gestation, and stated, ''If the mother had wanted everything done for her baby, there would have been a neonatologist, pediatric resident, neonatal nurse, and respiratory therapist present for the delivery, and the baby would have been taken to our neonatal intensive care unit for specialized care. Instead, the only personnel present for this delivery were an obstetrical resident and my coworker. After delivery, the baby, who showed early signs of thriving, was merely wrapped in a blanket and kept in the Labor and Delivery Department until she died 2½ hours later.''

In my hometown of Cincinnati, a woman delivered a living 22-week-old baby girl after going through with the first steps of an unsuccessful partial birth abortion procedure. Reportedly, the attending emergency room physician placed the live baby in a specimen dish and asked that the baby be taken to the lab. The medical technician, Shelly Lowe, refused after she saw the baby girl gasping for breath. Instead, she held the baby, whom she named Hope, for 3 hours, singing to her and stroking her cheeks, until she died. Ms. Lowe has said that she ''wanted her to feel that she was wanted; that she was a perfectly formed newborn entering the world too soon through no choice of her own.''

Had any of these newborns been assessed for their likelihood of long-term survival, medical research suggests that there is a strong chance that they would have survived. Infants born alive at 23 weeks currently have almost a 40 percent chance of sustained survival; those born at 24 weeks, a greater than 50 percent chance of survival; and those born at 25 weeks now have an 80 percent chance of survival. With medical technology rapidly improving, these survival rates will only improve.

The definition of ''born alive'' contained in H.R. 2175 was derived from a model definition of ''live birth'' that was promulgated by the World Health Organization in 1950 and is, with minor variations, currently codified in 30 States and the District of Columbia.

Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat prematurely born infants below a certain birth weight, this is a dispute about medical efficiency, not regarding the legal status of the patient.

H.R. 2175 would not affect the applicable standard of care, but would only ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law.

I urge all Members to support this bill of compassion that says that all of America's children are precious and deserving of the most basic dignities afforded human life.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a few brief comments. The gentleman from Ohio mentioned the hearings that were conducted on this bill and the testimony of Nurse Jill Stanek. It is very interesting that two hearings were held on this bill, two separate years, with the exact same witnesses. The majority could not find more than one witness, Nurse Stanek, to describe these allegedly horrible things that are occurring.

The majority's witness, Dr. Bowes, said even in the situations described by majority witness Nurse Jill Stanek, Dr. Bowes, the majority witness stated, ''I don't think this legislation changes medical care for those babies.''

The fact is, we cannot guarantee that in a country as large as this, where the laws of all 50 States and the District of Columbia already say what this bill would say, that we cannot guarantee no one violates the law. We cannot guarantee it. Nonetheless, the majority has not been able to point to one prosecution.

Now, it may be, assuming that what Nurse Stanek described actually happened, most of her testimony was hearsay, but assuming it was true, maybe the authorities in that county should have prosecuted.

But the fact is, the courts have been very clear, there is no such thing as the right to a live-birth abortion. A baby born alive is a human being under the terms of the law in all 50 States and the District of Columbia. This bill

merely restates that, so we have no problem with that.

But we should not get into the rhetoric, we should not get into the overheated rhetoric of the few who wish to suggest that viable, healthy infants are being allowed to die in our Nation's hospitals. It is simply not true. If it is true, then people ought to be prosecuted for murder, and the fault, if it is true, lies with the prosecuting authorities wherever that may happen.

So I do not think there is a big problem here. The court decisions that were cited all referred to babies or to fetuses really still in utero. Once outside of the mother's body, they are babies, there is no legal right to kill them. God forbid. It would be murder. This bill does not change that. There is no harm in restating it, I think. I think we have taken care of the concerns of the neonatologists about the standard of care.

So I support the bill simply to put at rest the fevered apprehensions about nonexistent threats. But let us not overstate those nonexistent threats, and if they are existent, they ought to be prosecuted. If the majority really knows of such cases, I hope they get on the cases of whoever the district attorney is and say, why are you not doing something about them, because it is already against the law, unless, of course, the descriptions of those cases are not as stated. But if they are as stated, the law already makes that murder. This bill retains that as murder.

It is a harmless bill. It is a bill that does nothing, but is harmless. And why not put people's fears at rest? So I still urge people to support the bill. But we should not get carried away and imagine that under the guise or name of ''abortions'' any of this nonsense is going on, because if it is going on, it is murder under the law today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise also in support of the Born-Alive Infants Protection Act.

The law would require that babies born alive be treated as babies. It seems simple. I agree with the gentleman that should be the way it is today. But, unfortunately, our society has blurred this issue and some have made it, one, an issue of the parents' interest, or in this case, lack of interest in a newborn. Babies now born at 23 weeks generally survive. Some born even earlier have survived.

Some critics of the legislation argue it is not necessary because what was alleged by one of our witnesses and several others that we have spoken with does not happen.

□ 1430

It currently does happen. It clearly does happen. We would not be dealing with this issue if it did not happen.

Ms. Stanek was just one of the individuals we spoke with through the committee. She brought with her other people who had also witnessed this type of action in a hospital, no less; a place where people go to receive care. Unfortunately, babies involved in induced-labor abortions were left to die, even though those children were born alive. It is every instance that will be covered, however. A child born alive, whether the labor is induced or not, should be treated as a child.

It seems like it should not be necessary for us to make this law. However, it was stated earlier today that viable, healthy infants are being permitted to die according to those of us who support this legislation. If we remove those adjectives, viable and healthy, that seems to except that infants who maybe are not healthy are being left to die.

Is it okay for us to allow unhealthy or maybe even unviable infants to be left to die on a cold shelf abandoned in some kind of cart in a hospital? It is not. This society must stand up for those who are the weakest. It is our responsibility as Members of the House to do so. That is why we support the Born-Alive Infant Protection Act, and I urge all of my colleagues to support it as well.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to oppose H.R. 2175, the Born-Alive Infants Protection Act of 2001.

Many individuals who support a woman's right to choose have argued that this bill is harmless because it restates existing law. I oppose this bill because it mischaracterizes current abortion rights law and may create confusion among physicians who provide emergency care to pregnant women. Concerns have been raised that H.R. 2175 would obligate physicians to provide care beyond recognized standards, and that failure to adhere would raise the issue of liability. More importantly, I oppose this bill because it is yet another attempt to chip away at a woman's right to choose.

Pro-life advocates have opposed and attempted to erode reproductive rights in a number of ways: by imposing waiting periods, by denying women information about their own health choices, by restricting or removing funding for contraception and family planning efforts, and at the most radical by terrorizing physicians and clinic workers. The current Administration has signaled its intent to pursue this line of advocacy.

In April 2001 the Bush Administration proposed to remove contraceptive coverage for federal employees. Only a groundwell of opposition restored this benefit, which the Office of Management and Budget found added nothing to the cost of federal health benefits. Again in 2002, the Bush Administration has proposed to end contraceptive coverage for federal employees, even though ending such coverage would violate Title VII, the federal law prohibiting sex discrimination in the workplace. In addition, the Administration has proposed cutting Title X funding family planning programs that provide critical family planning and related health services to millions of low-income families.

Make no mistake—advocating on behalf of women's health care and reproductive rights entails stating the core issue of reproductive rights: Who gets to decide? Who decides what a woman does with her own body?

Access to birth control and abortion is part of the larger struggle for access to health care for all women. In 1973 the Supreme Court legalized abortion. Yet today, 20% of women who want to have an abortion cannot obtain one. Lack of funding, restrictive legislation, and campaigns of terror and harassment by the antiabortion movement have severely eroded abortion rights.

While public attention has focused on restrictions of women's choices through legislation and judicial decisions, abortion services have been undermined in more basic ways. Through harassment and violence directed at doctors and other health care providers, as well as medical schools and hospitals, antichoice forces have discouraged both the teaching and provision of abortions. As a result, abortion services have been eliminated in large parts of the country and a critical shortage of abortion providers and services has developed. As with all other attacks on access to abortion, these restrictions have the greatest impact on low-income women, rural women, and women of color.

A number of solutions support reproductive rights:

Opposing hospital mergers with institutions that prohibit reproductive health services;

Developing the role of non-physician clinicians as women's healthcare providers, including nurses, midwives, nurse practitioners, and physicians assistants in abortion;

Increasing abortion training for medical residents;

Increasing awareness of reproductive choice and abortion access as a public health issue and encouraging research in the field;

Creating innovative public education campaigns;

Publishing directories of reproductive health and abortion providers in English, Spanish, and other languages where women lack access to information and health services;

Creating coalitions of like-minded organizations which have an interest in women's reproductive health and abortion, such as: American Civil Liberties Union, NARAL, NOW, National Lawyer's Guild, National Women's Law Center, and numerous health care providers and unaffiliated activists.

In the 1986 case Thornburgh v. American College of Obstetricians & Gynecologists, Justice Harry Blackmun stated ''Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision whether to end her pregnancy. A woman's right to make that choice freely is fundamental.''

The terrorist events of 2001 focused our country on fundamental values such as freedom, commitment, and tolerance. Bills such as the Born-Alive Infants Protection Act of 2001 ultimately seek to curtail the freedom of choice held dear by the majority of the American public. We cannot afford to ignore challenges which seek to restrict the freedom of women to control their reproductive capacity, their decision to bear children, and the shape of their destiny.

Mr. WATTS of Oklahoma. Mr. Speaker, there are some things in life that are beyond the realm of sanity. There are some things that are just so heinous—so cruel—they surpass verbal description. The bill before the

House today addresses such an instance. We are considering a measure to ban the killing of an infant after the baby has been delivered.

The Born-Alive Infants Protection Act of 2001 states that anytime the word ''person,'' ''human being,'' ''child'' or ''individual'' is written in law or regulations, it will include every infant member of the species homo sapiens who is born alive at any stage of development.

Infanticide has no place in a civilized society. All children should be welcomed into life. I commend the sponsors of this legislation for bringing to light an injustice to innocent children and urge my colleagues to once again pass this bill.

Mr. SOUDER. Mr. Speaker, as a cosponsor of the Born-Alive Infants Protection Act, I strongly support its passage. This bill would firmly establish that, for purposes of federal law, an infant who is born alive is, indeed, a person and is entitled to the protections of the law. This concept has been a standing legal principle, spelled out in many state statutes and recognized by some federal courts in interpreting federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question and have made it necessary for the Congress to ensure that this principle becomes law.

A significant change in how the law defines a person occurred with the U.S. Supreme Court's decision to strike down a Nebraska law banning partial-birth abortion. Partial-birth abortion is a procedure in which a doctor delivers an unborn child's body until only the head remains inside of the mother, punctures the back of the child's skull with scissors and sucks the child's brains out before completing the delivery. The Court's decision found that the location of an infant at the time of death—delivered partly outside the body of the mother—is of no legal significance. The Court's decision implies that a partially born infant's entitlement to the protections of the law is dependent upon whether or not the partially born child's mother wants him or her.

The Born-Alive Infants Protection Act was also introduced partly to respond to testimony that ''live-birth abortions'' are performed around the country. A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. In other instances, babies whose lungs are insufficiently developed to permit sustained survival are often spontaneously delivered alive, and may live for hours or days, while some are born alive following deliveries induced for medical reasons.

The Born-Alive Infant Protection Act would ensure that any infant born alive is treated with the dignity and respect of a human being and given appropriate medical attention regardless of whether he or she is completely extracted or expelled from her mother and breathes, regardless of whether or not her lung development is believed to be, or is in fact, sufficient to permit long-term survival. The infant will be considered to be alive if she has a beating heart, a pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the baby was born as a result of natural or induced labor, Caesarean section, or induced abortion. I believe we must pass this bill to protect the lives of the unborn and prematurely born.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Born-Alive Infants Protection Act. In 2000 this legislation passed the House overwhelmingly, by a vote of 380–15. I am hopeful that today my colleagues will again vote to protect all infants who are born alive.

It saddens me that we have come to the point where we need federal legislation to assert that an infant who is completely expelled or extracted from her mother and who is alive is a person under the law. I strongly believe that the unborn should have the same protection under the law, but unfortunately not all of my colleagues agree. Many of you, however, agree that a baby who is born alive is a person and should not be killed or left to die.

Many states have approved the practice of ''live-birth abortions.'' Infants born alive as a result of an unsuccessful abortion are killed or left to die, some babies are partially born only to be killed, and in so-called ''therapeutic abortions'' physicians use drugs to induce premature labor and deliver children still alive and then simply allow them to die. According to nurses at Christ Hospital in Oak Lawn, Illinois, physicians have used the ''therapeutic abortion'' procedure on infants with non-fatal deformities, such as spina bifida and Down Syndrome. Many of these babies have lived for hours after birth, with no efforts made to determine if any of them could have survived with appropriate medical assistance. Those who swear to save lives are instead leaving living, breathing, kicking, screaming babies to slowly die on their own.

A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. There is no defense for leaving innocent babies to die.

As a father of three beautiful children and a strong defender of human life, I am embarrassed that we live in a country where babies are abandoned and left to die. I urge you to vote in favor of this important legislation so that all the beautiful children who come into this world are treated as the human beings they are.

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 2175. Every infant deserves to be fully entitled to all protections of our laws, no matter the likelihood of long-term survival. This legislation will ensure that the deplorable practice of infanticide will never occur again in this country.

We have many serious issues to tackle here in Washington, few as important as the right to life. I am pleased to see that this issue is no longer on the backburner. It is reassuring that we in the House are making strides toward legislation that will reduce abortion rates here and abroad.

Since the legalization of abortion in 1973, countless victims have paid the ultimate price. The landscape of American society changed with the Roe vs. Wade decision, which has resulted in societal corruption and a moral decline in our nation.

Life is a fundamental human right. We must preserve the sanctity of this right and we must not rest until its place in the moral fabric of our nation is restored. The unborn child has no voice and cannot protect itself. It is our responsibility to ensure their voices are heard and their right to life is protected.

I urge my colleagues to vote in favor of H.R. 2175 and take a stand for what we know to be ethically decent.

Mr. CRANE. Mr. Speaker, as an original cosponsor to the legislation before us, I rise in strong support of H.R. 2175, the Born-Alive Infants Protection Act.

While it has long been accepted as legal principle that infants born alive are entitled to the protection of law, recent court decisions have cut back this fundamental right. The purpose of this legislation is to firmly establish under law that an infant who is completely expelled or extracted from his or her mother and who is alive, is considered a person for purposes of federal law. This recognition takes effect upon birth, irrespective of whether the baby survived an attempted abortion.

This legislation will make illegal ''live-birth'' abortions, a practice so barbaric in nature and tragic in outcome that it is almost inconceivable that they occur. Unfortunately, testimony received by the Subcommittee on the Constitution indicates that in some jurisdictions, once a child is marked for abortion, it may become irrelevant whether that child emerges from the mother's womb as a live baby. In other words, some live-born premature infants may be treated as a nonentity, and allowed to die.

I thank my friend from Ohio, Congressman CHABOT, for introducing this vital piece of legislation, and I strongly urge all my colleagues to cast an ''aye'' vote on final passage.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of H.R. 2175, the Born-Alive Infant Protection Act and I am a proud cosponsor of this bill.

This legislation is long overdue. For too long the youngest and most vulnerable of children have not been protected. This bill corrects this and brings protection to these children. It ensures that all children who are born alive are to be considered a human being.

This bill would grant protection from being killed to all babies that show signs of life such as a heartbeat, breathing or muscle movement once they are outside the mother's womb.

I commend the Chairman for bringing this bill to the floor today, and I urge all of my colleagues to support its passage. It is critical that we value all human life and this bill moves us in that direction.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885.

The Clerk read as follows:

H. RES. 365

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1885, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: ''An Act to enhance the border security of the United States, and for other purposes.''.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Enhanced Border Security and Visa Entry Reform Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN.—The term ''alien'' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the following:

(A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(3) FEDERAL LAW ENFORCEMENT AGENCIES.—The term ''Federal law enforcement agencies'' means the following:

(A) The United States Secret Service.
(B) The Drug Enforcement Administration.
(C) The Federal Bureau of Investigation.
(D) The Immigration and Naturalization Service.
(E) The United States Marshall Service.
(F) The Naval Criminal Investigative Service.
(G) The Coastal Security Service.
(H) The Diplomatic Security Service.
(I) The United States Postal Inspection Service.
(J) The Bureau of Alcohol, Tobacco, and Firearms.
(K) The United States Customs Service.
(L) The National Park Service.

(4) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) PRESIDENT.—The term ''President'' means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(6) USA PATRIOT ACT.—The term ''USA PATRIOT Act'' means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

TITLE I—FUNDING

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) INS INSPECTORS.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) INS INVESTIGATIVE PERSONNEL.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) WAIVER OF FTE LIMITATION.—The Attorney General is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Immigration and Naturalization Service.

(c) AUTHORIZATION OF APPROPRIATIONS FOR INS STAFFING.—

(1) IN GENERAL.—There are authorized to be appropriated for the Department of Justice such sums as may be necessary to provide an increase in the annual rate of basic pay—

(A) for all journeyman Border Patrol agents and inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332;

(B) for inspections assistants, from the annual rate of basic pay payable for positions at GS–5 of the General Schedule under section 5332 of title 5, United States Code, to an annual rate of basic pay payable for positions at GS–7 of the General Schedule under such section 5332; and

(C) for the support staff associated with the personnel described in subparagraphs (A) and (B), at the appropriate GS level of the General Schedule under such section 5332.

(d) AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.—There are authorized to be appropriated such sums as may be necessary—

(1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis—

(A) to ensure that their proficiency levels are acceptable to protect the borders of the United States; and

(B) otherwise to enforce and administer the laws within their jurisdiction; and

(2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;

(3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and

(4) to expand the Carrier Consultant Program described in section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225A(b)).

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSULAR FUNCTIONS.—

(1) RESPONSIBILITIES.—The Secretary of State shall—

(A) implement enhanced security measures for the review of visa applicants;

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

(C) provide ongoing training for consular officers and diplomatic security agents.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN TECHNOLOGY AND INFRASTRUCTURE.

(a) FUNDING OF TECHNOLOGY.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $150,000,000 to the Immigration and Naturalization Service for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

(B) expanding, utilizing, and improving technology to improve border security; and

(C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

(2) WAIVER OF FEES.—Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) OFFSET OF INCREASES IN FEES.—The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

(b) IMPROVEMENT AND EXPANSION OF INS, STATE DEPARTMENT, AND CUSTOMS FACILITIES.—There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

SEC. 103. MACHINE–READABLE VISA FEES.

(a) RELATION TO SUBSEQUENT AUTHORIZATION ACTS.—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking paragraph (3).

(b) FEE AMOUNT.—The machine-readable visa fee charged by the Department of State shall be the higher of $65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.

(c) SURCHARGE.—The Department of State is authorized to charge a surcharge of $10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a nonmachine-readable passport.

(d) AVAILABILITY OF COLLECTED FEES.—Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

TITLE II—INTERAGENCY INFORMATION SHARING

SEC. 201. INTERIM MEASURES FOR ACCESS TO AND COORDINATION OF LAW ENFORCEMENT AND OTHER INFORMATION.

(a) INTERIM DIRECTIVE.—Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

(b) REPORT IDENTIFYING LAW ENFORCEMENT AND INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmissible or deportable under the Immigration and Nationality Act.

(2) REPEAL.—Section 414(d) of the USA PATRIOT Act is hereby repealed.

(c) COORDINATION PLAN.—

(1) REQUIREMENT FOR PLAN.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

(2) CONSULTATION REQUIREMENT.—In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

(3) PROTECTIONS REGARDING INFORMATION AND USES THEREOF.—The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the redissemination of such information;

(B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;

(C) to ensure the accuracy, security, and confidentiality of such information;

(D) to protect any privacy rights of individuals who are subjects of such information;

(E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and

(F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(4) CRIMINAL PENALTIES FOR MISUSE OF INFORMATION.—Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18, United States Code), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

(5) ADVANCING DEADLINES FOR A TECHNOLOGY STANDARD AND REPORT.—Section 403(c) of the USA PATRIOT Act is amended—

(A) in paragraph (1), by striking ''2 years'' and inserting ''one year''; and

(B) in paragraph (4), by striking ''18 months'' and inserting ''six months''.

SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM WITH NAME-MATCHING CAPACITY AND TRAINING.

(a) INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE ELECTRONIC DATA SYSTEM.—

(1) REQUIREMENT FOR INTEGRATED IMMIGRATION AND NATURALIZATION DATA SYSTEM.—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) REQUIREMENT FOR INTEROPERABLE DATA SYSTEM.—Upon the date of commencement of implementation of the plan required by section 201(c), the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.

(3) CONSULTATION REQUIREMENT.—In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) TECHNOLOGY STANDARD.—

(A) IN GENERAL.—The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and subparagraph (B).

(B) CONFORMING AMENDMENT.—Section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5), is further amended—

(i) in paragraph (1), by inserting '', including appropriate biometric identifier standards,'' after ''technology standard''; and

(ii) in paragraph (2) —

(I) by striking ''INTEGRATED'' and inserting ''INTEROPERABLE''; and

(II) by striking ''integrated'' and inserting ''interoperable''.

(5) ACCESS TO INFORMATION IN DATA SYSTEM.—Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible—

(A) to any consular officer responsible for the issuance of visas;

(B) to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

(6) LIMITATION ON ACCESS.—The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) NAME-SEARCH CAPACITY AND SUPPORT.—

(1) IN GENERAL.—The interoperable electronic data system required by subsection (a) shall—

(A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a);

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) LINGUISTICALLY SENSITIVE SEARCHES.—

(A) IN GENERAL.—To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) LANGUAGES REQUIRED.—

(i) PRIORITY LANGUAGES.—Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) IMPLEMENTATION SCHEDULE.—Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i)—

(I) the highest priority language algorithms shall be implemented within 18 months after the date of enactment of this Act; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) ADEQUATE USER SUPPORT.—The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) INTERIM REPORTS.—Six months after the date of enactment of this Act, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) REPORTS BY INTELLIGENCE AGENCIES.—

(A) CURRENT STANDARDS.—Not later than 60 days after the date of enactment of this Act, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(B) GUIDELINES.—Not later than 120 days after the date of enactment of this Act, the Director of Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

SEC. 203. COMMISSION ON INTEROPERABLE DATA SHARING.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the ''Commission''). The purposes of the Commission shall be to—

(1) monitor the protections described in section 201(c)(3);

(2) provide oversight of the interoperable electronic data system described in this title; and

(3) report to Congress annually on the Commission's findings and recommendations.

(b) COMPOSITION.—The Commission shall consist of nine members, who shall be appointed by the President, as follows:

(1) One member, who shall serve as Chair of the Commission.

(2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) CONSIDERATIONS.—The Commission shall consider recommendations regarding the following issues:

(1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.

(2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent against the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

(3) The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

TITLE III—VISA ISSUANCE

SEC. 301. ELECTRONIC PROVISION OF VISA FILES.

Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' immediately after ''(a)''; and

(3) by adding at the end the following:

''(2) The Secretary of State shall provide to the Service an electronic version of the visa file of an alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.''.

SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) DEVELOPMENT OF SYSTEM.—In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215), the Attorney General and the Secretary of State shall—

(1) implement, fund, and use a technology standard under section 403(c) of the USA PATRIOT Act (as amended by sections 201(c)(5) and 202(a)(3)(B)) at United States ports of entry and at consular posts abroad;

(2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and

(3) make interoperable all security databases relevant to making determinations of admissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

(b) IMPLEMENTATION.—In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

(1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and

(2) consider implementing the North American National Security Program described in section 401.

SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2003—

(A) implementation of the requirements of subsections (b) and (c); and

(B) deployment of the equipment and software to allow biometric comparison of the documents described in subsections (b) and (c).

(2) ESTIMATES.—In addition to the assessment required by paragraph (1), each report shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than October 26, 2003, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish biometric identifiers standards to be employed on such visas and travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) READERS AND SCANNERS AT PORTS OF ENTRY.—

(A) IN GENERAL.—Not later than October 26, 2003, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison of all United States visas and travel and entry documents issued to aliens, and passports issued pursuant to subsection (c)(1).

(B) USE OF READERS AND SCANNERS.—The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that—

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity; and

(ii) can read the biometric identifiers utilized under subsections (b)(1) and (c)(1).

(3) USE OF TECHNOLOGY STANDARD.—The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and 202(a)(3)(B).

(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

(1) CERTIFICATION REQUIREMENT.—Not later than October 26, 2003, the government of each country that is designated to participate in the visa waiver program established under

section 217 of the Immigration and Nationality Act shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with applicable biometric identifiers standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act.

(2) USE OF TECHNOLOGY STANDARD.—On and after October 26, 2003, any alien applying for admission under the visa waiver program shall present a passport that meets the requirements of paragraph (1) unless the alien's passport was issued prior to that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

SEC. 304. TERRORIST LOOKOUT COMMITTEES.

(a) ESTABLISHMENT.—The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission.

(b) PURPOSE.—The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) COMPOSITION; CHAIR.—The Secretary shall establish rules governing the composition of such committees.

(d) MEETINGS.—The committee shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2).

(e) PERIODIC REPORTS.—The committee shall submit quarterly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the quarter.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.

(a) TRAINING.—The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) USE OF FOREIGN INTELLIGENCE INFORMATION.—As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NONIMMIGRANTS FROM COUNTRIES THAT ARE STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—No nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(b) STATE SPONSOR OF INTERNATIONAL TERRORISM DEFINED.—

(1) IN GENERAL.—In this section, the term ''state sponsor of international terrorism'' means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

(2) LAWS UNDER WHICH DETERMINATIONS WERE MADE.—The laws specified in this paragraph are the following:

(A) Section 6(j)(1)(A) of the Export Administration Act of 1979 (or successor statute).

(B) Section 40(d) of the Arms Export Control Act.

(C) Section 620A(a) of the Foreign Assistance Act of 1961.

SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER THE VISA WAIVER PROGRAM.

(a) REPORTING PASSPORT THEFTS.—As a condition of a country's initial designation or continued designation for participation in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Attorney General and the Secretary of State shall consider whether the country reports to the United States Government on a timely basis the theft of blank passports issued by that country.

(b) CHECK OF LOOKOUT DATABASES.—Prior to the admission of an alien under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.

(a) ENTERING STOLEN PASSPORT IDENTIFICATION NUMBERS IN THE INTEROPERABLE DATA SYSTEM.—

(1) IN GENERAL.—Beginning with implementation under section 202 of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.

(2) ENTRY OF INFORMATION ON PREVIOUSLY LOST OR STOLEN PASSPORTS.—To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.

(b) TRANSITION PERIOD.—Until such time as the law enforcement and intelligence data system described in section 202 is fully implemented, the Attorney General shall enter the data described in subsection (a) into an existing data system being used to determine the admissibility or deportability of aliens.

SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN NEWLY ADMITTED ALIENS.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or immediately upon an alien being granted asylum under section 208 of such Act (8 U.S.C. 1158), the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMERICAN NATIONAL SECURITY PROGRAM.

(a) IN GENERAL.—The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

(b) STUDY ELEMENTS.—In conducting the study required by subsection (a), the officials specified in subsection (a) shall consider the following:

(1) PRECLEARANCE.—The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182). Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.

(2) PREINSPECTION.—The feasibility of expanding preinspection facilities at foreign airports as described in section 235A of the Immigration and Nationality Act (8 U.S.C. 1225). Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.

(3) CONDITIONS.—A determination of the measures necessary to ensure that the conditions required by section 235A(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(5)) are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 402. PASSENGER MANIFESTS.

(a) IN GENERAL.—Section 231 of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended—

(1) by striking subsections (a), (b), (d), and (e);

(2) by redesignating subsection (c) as subsection (i); and

(3) by inserting after ''SEC. 231.'' the following new subsections: ''(a) ARRIVAL MANIFESTS.—For each commercial vessel or aircraft transporting any person to any seaport or airport of the United States from any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide to an immigration officer at that port manifest information about each passenger, crew member, and other occupant transported on such vessel or aircraft prior to arrival at that port.

''(b) DEPARTURE MANIFESTS.—For each commercial vessel or aircraft taking passengers on board at any seaport or airport of the United States, who are destined to any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide an immigration officer before departure from such port manifest information about each passenger, crew member, and other occupant to be transported.

''(c) CONTENTS OF MANIFEST.—The information to be provided with respect to each person listed on a manifest required to be provided under subsection (a) or (b) shall include—

''(1) complete name;

''(2) date of birth;

''(3) citizenship;

''(4) sex;

''(5) passport number and country of issuance;

''(6) country of residence;

''(7) United States visa number, date, and place of issuance, where applicable;

''(8) alien registration number, where applicable;

''(9) United States address while in the United States; and

''(10) such other information the Attorney General, in consultation with the Secretary of State, and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

''(d) APPROPRIATE OFFICIALS SPECIFIED.—An appropriate official specified in this subsection is the master or commanding officer, or authorized agent, owner, or consignee, of the commercial vessel or aircraft concerned.

''(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC TRANSMISSION OF MANIFEST INFORMATION.—Not later than January 1, 2003, manifest information required to be provided under subsection (a) or (b) shall be transmitted electronically by the appropriate official specified in subsection (d) to an immigration officer.

''(f) PROHIBITION.—No operator of any private or public carrier that is under a duty to provide manifest information under this section shall be granted clearance papers until the appropriate official specified in subsection (d) has complied with the requirements of this subsection, except that in the case of commercial vessels, aircraft, or land carriers that the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the provision of manifest information of persons departing the United States at a later date.

''(g) PENALTIES AGAINST NONCOMPLYING SHIPMENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to the satisfaction of the Attorney General that an appropriate official specified in subsection (d), any public or private carrier, or the agent of any transportation line, as the case may be, has refused or failed to provide manifest information required by subsection (a) or (b), or that the manifest information provided is not accurate and full based on information provided to the carrier, such official, carrier, or agent, as the case may be, shall pay to the Commissioner the sum of $300 for each person with respect to whom such accurate and full manifest information is not provided, or with respect to whom the manifest information is not prepared as prescribed by this section or by regulations issued pursuant thereto. No commercial vessel, aircraft, or land carrier shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Commissioner of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

''(h) WAIVER.—The Attorney General may waive the requirements of subsection (a) or (b) upon such circumstances and conditions as the Attorney General may by regulation prescribe.''.

(b) EXTENSION TO LAND CARRIERS.—Not later than two years after the date of enactment of this Act, the President shall conduct a study regarding the feasibility of extending the requirements of subsections (a) and (b) of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221), as amended by subsection (a), to any commercial carrier transporting persons by land to or from the United States. The study shall focus on the manner in which such requirement would be implemented to enhance the national security of the United States and the efficient cross-border flow of commerce and persons.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to persons arriving in, or departing from, the United States on or after the date of enactment of this Act.

SEC. 403. TIME PERIOD FOR INSPECTIONS.

(a) REPEAL OF TIME LIMITATION ON INSPECTIONS.—Section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)) is amended by striking '', within forty-five minutes of their presentation for inspection,''.

(b) STAFFING LEVELS AT PORTS OF ENTRY.—The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section 286(g) of such Act within 45 minutes of a passenger's presentation for inspection.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.

(a) STRENGTHENING REQUIREMENTS FOR IMPLEMENTATION OF MONITORING PROGRAM.—

(1) MONITORING AND VERIFICATION OF INFORMATION.—Section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)) is amended by adding at the end the following:

''(3) ALIENS FOR WHOM A VISA IS REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall establish an electronic means to monitor and verify—

''(A) the issuance of documentation of acceptance of a foreign student by an approved institution of higher education or other approved educational institution, or of an exchange visitor program participant by a designated exchange visitor program;

''(B) the transmittal of the documentation referred to in subparagraph (A) to the Department of State for use by the Bureau of Consular Affairs;

''(C) the issuance of a visa to a foreign student or an exchange visitor program participant;

''(D) the admission into the United States of the foreign student or exchange visitor program participant;

''(E) the notification to an approved institution of higher education, other approved educational institution, or exchange visitor program sponsor that the foreign student or exchange visitor participant has been admitted into the United States;

''(F) the registration and enrollment of that foreign student in such approved institution of higher education or other approved educational institution, or the participation of that exchange visitor in such designated exchange visitor program, as the case may be; and

''(G) any other relevant act by the foreign student or exchange visitor program participant, including a changing of school or designated exchange visitor program and any termination of studies or participation in a designated exchange visitor program.

''(4) REPORTING REQUIREMENTS.—Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien as described in paragraph (3)(A), or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.''.

(2) ADDITIONAL REQUIREMENTS FOR DATA TO BE COLLECTED.—Section 641(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the date of entry and port of entry;

''(F) the date of the alien's enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States;

''(G) the degree program, if applicable, and field of study; and

''(H) the date of the alien's termination of enrollment and the reason for such termination (including graduation, disciplinary action or other dismissal, and failure to re-enroll).''.

(3) REPORTING REQUIREMENTS.—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended by adding at the end the following new paragraph:

''(5) REPORTING REQUIREMENTS.—The Attorney General shall prescribe by regulation reporting requirements by taking into account the curriculum calendar of the approved institution of higher education, other approved educational institution, or exchange visitor program.''.

(b) INFORMATION REQUIRED OF THE VISA APPLICANT.—Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend

an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), each alien applying for such visa shall provide to a consular officer the following information:

(1) The alien's address in the country of origin.

(2) The names and addresses of the alien's spouse, children, parents, and siblings.

(3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.

(4) Previous work history, if any, including the names and addresses of employers.

(c) TRANSITIONAL PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act and until such time as the system described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (as amended by subsection (a)) is fully implemented, the following requirements shall apply:

(A) RESTRICTIONS ON ISSUANCE OF VISAS.—A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless—

(i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and

(ii) the consular officer has adequately reviewed the applicant's visa record.

(B) NOTIFICATION UPON VISA ISSUANCE.—Upon the issuance of a visa under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)) to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) NOTIFICATION UPON ADMISSION OF ALIEN.—The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) NOTIFICATION OF FAILURE OF ENROLLMENT.—Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

(2) REQUIREMENT TO SUBMIT LIST OF APPROVED INSTITUTIONS.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education or other approved educational institutions that are authorized to receive nonimmigrants under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NONIMMIGRANTS.

(a) PERIODIC REVIEW OF COMPLIANCE.—The Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct periodic reviews of the institutions certified to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)). Each review shall determine whether the institutions are in compliance with—

(1) recordkeeping and reporting requirements to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of that Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)); and

(2) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE VISITORS.—

(1) REQUIREMENT FOR REVIEWS.—The Secretary of State shall conduct periodic reviews of the entities designated to sponsor exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(2) DETERMINATIONS.—On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with—

(A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)); and

(B) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(c) EFFECT OF FAILURE TO COMPLY.—Failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant students or exchange visitor program participants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (M), or (J)), or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), may, at the election of the Commissioner of Immigration and Naturalization or the Secretary of State, result in the termination, suspension, or limitation of the institution's approval to receive such students or the termination of the other entity's designation to sponsor exchange visitor program participants, as the case may be.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARDS.

Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended by striking ''5 years'' and inserting ''6 years''.

SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.

(a) REQUIREMENT FOR STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) NONIMMIGRANT ALIEN DEFINED.—In paragraph (1), the term ''nonimmigrant alien'' means an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a). The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

SEC. 603. INTERNATIONAL COOPERATION.

(a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act to develop an intergovernmental network of interoperable electronic data systems that—

(1) facilitates real-time access to that country's law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) is interoperable with the electronic data system implemented under section 202; and

(3) performs in accordance with implementation of the technology standard referred to in section 202(a).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

SEC. 604. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO APPEAR AFTER RELEASE ON OWN RECOGNIZANCE.

(a) REQUIREMENT FOR REPORT.—Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)), and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.

(b) INITIAL REPORT.—Notwithstanding the time for submission of the annual report provided in subsection (a), the report for 2001 shall be submitted not later than 6 months after the date of enactment of this Act.

SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICATIONS BY THE DEPARTMENT OF STATE.

The Department of State shall retain, for a period of seven years from the date of application, every application for a nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) in a form that will be admissible in the courts of the United States or in administrative proceeding, including removal proceedings under such Act, without regard to whether the application was approved or denied.

SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION PETITION AND LABOR CERTIFICATION FILINGS.

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking ''on or before April 30, 2001; or'' and inserting ''on or before the earlier of November 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the amendments made by section 607(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002; or''; and

(B) in clause (ii) by striking ''on or before such date; and'' and inserting ''before August 15, 2001;'';

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by inserting after subparagraph (C) the following:

''(D) who, in the case of a beneficiary of a petition for classification described in subparagraph (B)(i) that was filed after April 30, 2001, demonstrates that—

''(i) the familial relationship that is the basis of such petition for classification existed before August 15, 2001; or

''(ii) the application for labor certification under section 212(a)(5)(A) that is the basis of such petition for classification was filed before August 15, 2001;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A–142 et seq.), as enacted into law by section 1(a)(2) of Public Law 106–553.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 365, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TANCREDO. Mr. Speaker, is the gentleman from New York (Mr. NADLER) opposed to the motion?

Mr. NADLER. No, Mr. Speaker, I am not.

Mr. TANCREDO. In that case, Mr. Speaker, I claim the time of the gentleman from New York (Mr. NADLER) to speak in opposition.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Did not the Chair recognize me following his statement and I asked unanimous consent pursuant to that recognition?

The SPEAKER pro tempore. The gentleman from Colorado was on his feet, and the Chair recognizes for the 20 minutes, the gentleman from Colorado (Mr. TANCREDO).

Mr. NADLER. Mr. Speaker, in that case I will ask the gentleman from Wisconsin if he will split the time with the minority party.

Mr. SENSENBRENNER. Will the gentleman from New York yield?

Mr. NADLER. Certainly.

Mr. SENSENBRENNER. Because this bill is fairly complicated, Mr. Speaker, I have a statement that may be a little bit more than 10 minutes, but I am happy to cede whatever time I have left to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I thank the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Since September 11, we have learned how deeply vulnerable our immigration system is to exploitation by aliens who wish to harm Americans. H.R. 1885 contains House-passed language of H.R. 3525 that makes needed changes to our immigration laws to fight terrorism and to prevent such exploitation. It has strong bipartisan support in the other body. The House has already passed the core of this legislation by wide margins. On May 21, 2001, the House passed a 245(i) extension by a vote of 336 to 43. On December 19, 2001, the House passed the Enhanced Border Security and Visa Entry Reform Act by voice vote.

I will outline some of this bill's most significant provisions. Most importantly, by October 2003, the legislation requires the Attorney General and Secretary of State to issue machine-readable, tamper-resistant visas that use standardized biometric identifiers. This will serve a number of important goals. First, it will allow INS inspectors at ports of entry to determine whether a visa properly identifies a visa holder and thus combat identity fraud. Second, it will make visas harder to counterfeit. Third, in conjunction with the installation of scanners at ports of entry to read the visas, the INS can track the arrival and departure of aliens and generate a reliable measure of aliens who overstay their visas. As we have all learned, some of the September 11 terrorists were staying in the United States on expired visas.

Mr. Speaker, H.R. 1885 extends the same biometric identifier requirements to passports from visa-waiver program countries. The necessity for this was demonstrated when our military found blank European passports in abandoned al Qaeda caves in Afghanistan. We must ensure that passports presented to the INS inspectors are not counterfeit, altered, or being used by impostors.

The bill thus requires that aliens seeking to enter the United States under the visa-waiver program with passports issued after October of 2003 must possess tamper-resistant, machine-readable passports with the same biometric identifiers as our visas.

The bill also requires that within 72 hours after notification by a foreign government of a stolen passport, the Attorney General shall identify its identification number into a data system accessible to INS inspectors at ports of entry. In addition, the Secretary of State and Attorney General shall consider, in deciding whether to keep a country in the visa-waiver program, whether its government reports to us on a timely basis the theft of its blank passports.

Building upon the enhanced data-sharing requirements of the USA Patriot Act, the bill directs our law enforcement agencies and intelligence community to share information with the State Department and the INS relevant to the admissibility and deportability of aliens. This information will be made available in an electronic database which will be searchable based on the linguistically sensitive algorithms that account for variations in name spellings and transliterations. This will result in lookout lists that are much more thorough and prevent terrorists who threaten our Nation from obtaining U.S. visas or entering our country.

As the Border Patrol succeeds in controlling the border, more aliens take a chance at penetrating the ports of entry, placing an ever-increasing strain on the limited staff of INS inspectors. Likewise, INS investigations units have long been denied adequate personnel. The bill helps fill these critical gaps. It authorizes appropriations to hire at least 200 full-time inspectors and at least 200 full-time investigators each year through fiscal year 2006.

Another long-standing problem at the INS is the low pay for Border Patrol agents and INS inspectors. This has led many trained Border Patrol agents and inspectors to leave the INS for other law enforcement agencies offering better pay, such as the air marshals. Something is wrong when former Border Patrol agents make up 75 percent of the first air marshals class. This bill authorizes appropriations to increase the pay of Border Patrol agents and inspectors in order to help the INS retain its best people.

The bill provides that aliens from countries that sponsor international terrorism cannot receive nonimmigrant visas until it has been determined that they do not pose a threat to the safety of Americans or the national security of the U.S.

Mr. Speaker, U.S. embassies and consulates abroad will be required to establish terrorist lookout committees that meet monthly in order to ensure that the names of known terrorists are routinely and consistently brought to the attention of consular officials, America's first line of defense.

With the same goal in mind, the bill requires that all consular officers responsible for adjudicating visa petitions receive specialized training and effective screening of visa applicants who pose a potential threat to the safety and security of the United States.

The bill strengthens the foreign student tracking system by requiring that it track the acceptance of aliens by educational institutions, the issuance of visas to the aliens, and then admission into the United States of the aliens, the notification of education institutions of the admission of aliens

slated to attend them, and the enrollment of the aliens at the institutions. No longer will terrorists be able to enter the U.S. on student visas with the INS never knowing that they failed to show up at school.

The bill requires that each commercial vessel or aircraft arriving in the U.S. provide, prior to arrival at the port of entry, manifest information about each passenger and crew member. Starting in 2003, the information will have to be provided electronically. Prearrival of manifests allow much of the INS's screening work to be done before arrival. This not only speeds processing for arriving passengers, but gives INS inspectors more time to conduct background checks on and to interview passengers.

Finally, the bill requires the President to conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

Finally, H.R. 1885 contains a compromise reached with the other body on the future of section 245(i) of the Immigration and Nationality Act. No one will be entirely satisfied with this compromise; however, it reflects a judicious balancing of the many divergent and deeply held views Members hold on 245(i).

When Congress passed the LIFE Act in December 2000, we made a promise to give U.S. citizens and permanent residents at least 4 months time to file immigrant visa petitions for their relatives using section 245(i). This promise was not fulfilled because the INS was typically unable to issue implementing regulations until March 2001.

Mr. Speaker, this bill will allow qualifying illegal aliens to unify section 245(i) as long as they have had green card petitions filed on their behalf by the earlier of November 30, 2002, or 4 months after the date the Attorney General issues implementing regulations. It also requires that aliens must have entered into the family relationships qualifying them for permanent residence by August 14, 2001. With this compromise, we have signaled that 245(i) will not become a permanent part of our immigration law and that aliens should not base their future actions on the assumption that it will be. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin, as is usually the case, did an excellent job in explaining the aspects of this particular piece of legislation. What he said was, for a long period of time, that we are dealing with an act that has been referred to as the Enhanced Border Security and Visa Entry Reform Act. He spent 90 percent of the time explaining what that act is all about, and enhancing the visa protection provisions of the law is something with which I wholeheartedly agree. As a matter of fact, this particular part of the bill is something with which the entire House agreed because we passed it already. This part of the bill is done. It is finished. It passed this House by voice vote and went over to the Senate some time ago.

So then what are we dealing with here? It is not, in fact, the Enhanced Border Security and Visa Reform Act, because that is done, it is finished, it is over with. What we are really doing here, and the only reason why we are here today, is to provide amnesty, amnesty for people who are here illegally. That is why we are on the floor today. It is not for the Enhanced Border Security and Visa Entry Reform Act.

□ 1445

It is done. It is being held up by one Member on the other side. That is their problem, not ours.

This will not enhance our ability to get that law passed; this only makes it much more difficult because, of course, this does exactly the wrong thing. Regardless of how narrowly we try to define the scope of this amnesty act, it is in fact still amnesty. What we are telling the world and telling people who are here, came here legally, waded through the process, did all the right things, what we are telling them is, Do you know what? You are a bunch of suckers for doing it.

What we are telling every single person all around the world who is in line, waiting, filling out the applications, going to the embassies and doing it right, what we are telling them is, You are a bunch of suckers. Here is the way to get into the United States and to get in the line for citizenship: Sneak in. Stay under the radar screen, get married, and even a bogus marriage document will do; because believe me, plenty of those developed, sham marriages, the last time we did this; Get a job, or at least present to the INS some indication that you have been employed; all of these things. Just do this, sneak in under the radar, stay here long enough, and do not worry, we will give you amnesty. That is what we are doing in this bill. That is the real purpose of the bill.

As I say, all the rest of this stuff we have already passed. We are here for only one purpose, to grant amnesty. Again, we have done it. We did it in 1986. I assure the Members that the result of this will not be to have just simply the legally residing citizens of the country and all the rest of the folks who our hearts can go out for, it will not be to give them a better chance at the American dream. What it will do is exactly the opposite thing we want to accomplish here.

We want people to come into the United States legally. That is why we set up a system. Admittedly, it is a flawed system, because it is turned over to the Mickey Mouse agency of the Federal Government we call the INS. But it is, nonetheless, the system we have established, that in order to come to the United States, they must have our permission. They come by visa or come in under some other status, but they do so legally.

After all, we purport to be a nation of laws; we say that all the time. But this is absolutely the antithesis of that. This is saying, Break the law, come here illegally, and we will in fact reward you for it. This is why we have to vote no on this resolution, because it has absolutely nothing to do with enhanced border security and visa entry reforms. We have already passed it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER), and I ask unanimous consent that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1885 combines the Enhanced Border Security and Visa Entry Reform Act with a short extension of section 245(i) of the immigration laws.

I plan to support this legislation, in part because the border security piece will strengthen the security of our borders and enhance our ability to deter potential terrorists while balancing the needs of law enforcement. We have been vigilant in protecting the civil rights upon which this Nation depends.

As for section 245(i), we should be extending it permanently. Instead, this bill provides only a modest extension. In fact, what the bill gives with one hand it actually takes away with the other. While it appears to extend section 245(i) until November 30, 2002, many people will not qualify because of the additional requirement that eligibility for section 245(i) be established prior to August 15, 2001, last year. Unfortunately, this bill is insufficient in time and stingy in scope.

If the last extension is any guide, H.R. 1885 will cause great panic among immigrants, and create an opportunity for fraudulent immigration advisors or ''notarios.''

In contrast, a full restoration of section 245(i) to what it was before 1998 would allow the thousands of law-abiding immigrants who are on the brink of becoming permanent residents to apply for their green cards while in the United States. It would allow wives, husbands, and children of U.S. citizens and permanent residents to stay together in the United States, rather than being forced to leave the country, sometimes for years, to apply for their green card.

I cannot understand how anyone who claims to support family values, who thinks that it is useful for children to have two parents together, not one here and one in another country for

several years, could oppose the permanent extension of section 245(i).

Section 245(i) is not an amnesty for immigrants, it is simply a device to ensure that while permanent residents married to American citizens, people who have completed all their requirements, are waiting for the bureaucracy of the INS to complete their work, they not be forced to leave their families and go abroad for months or years.

If the administration and House leadership are serious about helping immigrants and are serious about our relationship with Mexico, then we should be passing immigration laws that do far more than this bill does; at the very least, a permanent extension, not a mere 2-year extension of section 245(i).

While I support this legislation, we should be considering a full restoration of section 245(i). We will continue to push for such an extension until the administration and the leadership of the House agree to it and we accomplish full restoration of section 245(i).

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in opposition to H.R. 1885. I supported H.R. 3525 when we focused on border security, but H.R. 1885, with its amnesty, reminds me of a bowl of ice cream, and I am an ice cream liker. H.R. 3525 was a bowl of ice cream. When they added the amnesty provisions to it, they rammed a hot poker into that bowl of ice cream, and it all melted and it was not fit to eat.

H.R. 1885 rewards law-breakers. They can walk across the Rio Grande, they can walk across the Canadian border, and thousands who have waited in line, they should be told, You should not have waited. You should not have tried to follow the law. Avoid the interview in your native country, just walk on in. Breaking the law does not matter.

If we pass this today and it passes the other body and becomes law, they will say, Uncle Sam is on our side. In the southwestern United States, there are some who take the position that, We did not cross the border, the border crossed us.

I want to preserve our borders as they are today. I do not want to go back to pre-1845. If we pass legislation like this, the southwestern United States could become like Quebec. We do not need separatist movements in this country, we need to stand for the United States of America as it is today.

I urge Members to defeat H.R. 1885.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes, the balance of my time, to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the one important feature of this legislation which I support and which makes it stand out from all of the other provisions is that which has to do with tightening up on those who have overstayed their visas. As we know, many of the terrorists who hit the World Trade Center and the Pentagon were people who were identified later as having overstayed their visas, so that by itself attracts me to support this piece of legislation.

But I have another reason why I may vote against this, even though I am one of the best friends that Mexico has and that the border control advocates have in this entire question; that is, I have a personal pique with the Government of Mexico.

Right after September 11, I think in October, when our economy was reeling with the adverse effects of those attacks, OPEC, and I am talking about OPEC, they decided to cut production of oil, meaning higher prices down the line for the American consumer. They did this in the face of an economy that was losing strength by the minute.

Now, I took heart when Mexico decided not to go along with OPEC, and I began to applaud our neighbor to the south. Then, all of a sudden, there was a change, and Mexico decided to join with OPEC against the United States in cutting oil production. The price rises that we see right now happening at the pump are a direct result of the OPEC-guided decision with which Mexico joined, and will bring about massive dislocation to our gas prices in the next few months.

This plays heavily with me in the final determination of this issue.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant but in absolute opposition to the legislation we debate here today. My friend, the gentleman from Colorado (Mr. TANCREDO), made the salient point, echoed by my colleague, the gentleman from Virginia (Mr. GOODE): Border security measures have been passed in previous legislation. The operative provision we are dealing with in this House at this time is amnesty.

There is a fundamental disconnection, and I welcome my friend, the gentleman from New York (Mr. NADLER) speaking of family values. Yes, everyone, regardless of political philosophy or partisan stripe, should champion family values. But then, should we also champion a disdain for the law? For here is what is transpiring today: This will reward illegal immigrants by granting them a benefit simply because they broke our laws and did not get caught, or more appropriately, the laws were not enforced.

Mr. Speaker, I believe there is still a tremendous opportunity to work with the Republic of Mexico, to work with President Fox, to set up a reasonable, rational, accountable means to see who travels back and forth across our southern border. I daresay the same should apply to our neighbors to the north in Canada.

But, Mr. Speaker, we are a nation at war. In the midst of this conflict, at this time, in this place, why would we seek to dilute the laws of this Nation with respect to sovereignty?

Mr. Speaker, lest the propagandists of the politically correct deliberately distort, let me make this clear: I welcome constructive dialogue. I welcome an opportunity for a full accounting of those who come here for economic opportunity. But I categorically reject the message this House will send today if we say, Forget about the law, come on in. You did not get caught. Congratulations.

That is what this legislation is about, and that is why I oppose it. At the very least, Mr. Speaker, the $1,000 payment from each individual who comes here, every bit of that $1,000 payment from all the individuals should go to try to strengthen our borders.

But Mr. Speaker, I would go further. Because we are a nation at war, this House and this government should seriously consider a moratorium on immigration until we put in place biometric devices so we know exactly who is coming into this country, whether from our southern border, our northern border, or via shipping containers, which we can only eyeball right now to the extent of 2 or 3 percent.

If nothing else, the American people understand we are a Nation at war, and we dare not send messages to terrorist states that somehow we will dilute our enforcement. No, the contrary is true: We need to enforce the laws, and we need to work productively with the Republic of Mexico and others.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman, I am more worried about bombs in the containers than about immigrants in the containers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a great supporter of administration reform.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Chair for bringing us this bill. I speak in favor of the bill, and I want to talk to part of the bill that has not been fully vetted yet.

Mr. Speaker, I would say to the gentleman from Arizona (Mr. HAYWORTH), if he is interested in security at a time of war, let us remember that in this bill we have 1,000 extra INS inspectors authorized to help us secure the border, 200 INS inspectors and investigators each year added for the next 5 years.

□ 1500

I will tell my colleagues, I represent the biggest city on the southern border, San Diego. Soon I will represent the whole California border with Mexico. We are interested in securing at this time of war; but we are also interested in making sure our economy stays strong, and the gentleman from Arizona (Mr. HAYWORTH) ought to

know, since his own State is also involved in this, that the legal crosser from Mexico, the shopper, the family member, the person going to school, the legal crosser, sustains our border economy to a great degree.

My communities in Calexico and Tecate and San Diego rely 90 percent on the legal crosser to keep our economy going. We can do both, Mr. Speaker. We can have the security that we need, and we can have the free movement that our economy also requires. That means we need more people and we need better technology to guard the borders.

That is what this bill is moving toward. We are moving toward more inspectors so we can make sure that we keep out illegal people, drugs and terrorists; but we also need for people not to have to wait 3, 4, 5, 8 hours at the border for a legal crosser to go to school legally, to shop legally, to see their family members legally. That is what the border communities are interested in. Yes, security; yes, protection. But let us have that binational culture that is so much a part of our southern border, not just cut off at this time of emergency.

We can do both, Mr. Speaker. We can keep the security. We can keep the flow for commerce that is necessary.

I support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. ROHRABACHER), who is certainly well known as an expert on this issue.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this legislation which would permit those people who are in this country illegally to thwart our laws and to become legal residents of our country, thus insulting all of the immigrants who have obeyed our laws and are standing in line throughout the world. The parliamentary shenanigans we are witnessing today to try to get this legislation through to extend amnesty to these illegal aliens is unworthy of this body, this representative body, and is bound to confuse our constituents.

What this is about is an amnesty for illegal immigrants. It is not about strengthening the border. It is about making the efforts that we have already taken to strengthen the border meaningless by granting amnesty to people who are in this country illegally.

The administration and Members of this body talk a good game about increasing our national security while here right now undermining this country's ability to find and deport terrorists who are among us.

If this vote today passes, we make the INS reforms already passed by this House meaningless. Why demand that aliens receive biometric ID cards, as we just heard about, or strengthen the border guards when illegal aliens will be able to pay $1,000 and forge some paperwork and become a citizen? What good does it do to perform a home country background check on an alien when we cannot perform a home country background check on an illegal alien?

I might remind this body that 245(i) only rewards illegal immigrants. It can talk about families being separated. I believe that if families are separated and someone is here illegally they should go home to their home country to be with their home family; but if they are here illegally, that is different than if they are here legally. We actually have in place now programs in the United States Government to help people who are here legally to be reunited with their family.

No, the only thing we are doing today is rewarding those people who have broken our laws and come here and overstayed their visas and are here illegally. We are rewarding them above the people who have been standing in line throughout the world, hoping to come to the United States by obeying our laws. If aliens are here illegally, they should return home to their own countries and go through the same process that we demand of people who are trying to immigrate legally here. They should have the background checks so that we can cut off the terrorists before they come here.

By allowing this to happen today, by saying if someone is here illegally that they can stay in our country and not have that home country check on them before they arrive here, we are bound to let terrorists through the network.

We are weakening our protection of our country. I stood on this floor in 1996 and again in 1997 and begged this body to consider our national security when rewarding illegal immigration. I can understand why people might have thought that I was reacting then; but in light of what has happened since September 11, we should never permit a weakening of the investigation and background checks of illegal immigrants into this country.

One last point is, by granting amnesty to these people who are in our country illegally, we are asking for another massive flow of illegal immigration into this country. It is wrong, it is wrong, it is wrong. We should vote against it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and all of my colleagues, and I want to thank the gentleman from Illinois (Mr. HASTERT) for putting this on the agenda and President Bush for having asked, as well, that it be put on the agenda.

The legislation is important, does a number of important things in the field of hiring and training government personnel and appropriations for improvement in technology and infrastructure, measures for access to and coordination of law enforcement and other information, implementation of an integrated entry and exit data system, machine readable tamper resistant entry and exit documents, a whole gamut of very important improvements in the area of immigration control.

Some of my very good friends, and I have the highest esteem and admiration for my colleagues on the floor today, but they have been seeking to make this legislation into something that it is not with regard to 245(i). Section 245(i) only benefits people who are eligible for lawful permanent residence in the United States. If they are eligible for lawful permanent residence in the United States, then they can utilize 245(i). In other words, they do not have to leave the country to become a lawful permanent residence of the United States. That is the issue with 245(i).

This is a temporary extension of that. It is a commonsense measure. Why is it supported by an overwhelming consensus of political viewpoints and the President of the United States? Because it is a common sense measure. A constituent of mine recently told me that should not be controversial, that is a commonsense measure; and I have been calling it that ever since, Mr. Speaker.

So that is why I am confident that today the national consensus, obviously in our democracy as in all democracies we can never have unanimity, and I have great friends, great friends on the other side of this issue; but there is a national consensus on behalf of commonsense measures, like if someone is eligible for permanent residence they have to leave the country in order to get it. That is what we are discussing with regard to 245(i), Mr. Speaker; and this underlying legislation, as I said before, contains other very important measures that I hope and expect and certainly would urge my colleagues to support today.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding me the time; and notwithstanding some of the good features in this bill, I rise in opposition to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws, the so-called 245(i).

We are, on one hand, deporting some who have violated the term of their visas; and with the other hand, with this legislation, we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who have violated the law. Section 245(i) empowers visa holders to flout the law and game the system. They will know that the terms of their visa

are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends a mistaken message to thousands of people who are following the legal immigration channels to the United States Government, and it sends a signal that the United States Government does not take its immigration laws seriously. This can only foster more illegal immigration by adding an incentive to stay in the U.S. illegally.

Under current law, those who overstay their visas are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years, and those who overstay for more than a year are barred from reentering the United States for 10 years. These penalties are not arbitrary. They are there to send a signal that we will enforce our visa laws.

This extension of 245(i) provisions sends the opposite signal. I want to also add, and this is an issue that concerns me about this legislation, and it relates to the way things have changed since September 11.

There were, as I understand it, 114,000 illegal immigrants from the Middle East according to the Census Bureau after the time of September 11. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated there are sleeper cells of terrorists already residing in the United States awaiting terrorist assignments.

I ask the question, will this bill allow some of those sleepers to slip through the cracks by paying $1,000 and readjusting their status? I believe we simply do not know. Despite the best intention of officials with the administration and the Immigration and Naturalization Service, I feel that the risk to the United States is too high and that we should not be relaxing our laws.

Finally, I would like to say that I object to the manner in which this subject is being considered today.

Mr. Speaker, I am opposed to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws—commonly referred to as an extension of 245(i). This provision is at conflict with everything we are trying to do to enhance our border security and ensure compliance with U.S. immigration laws. With one hand we are deporting some who have violated the terms of their visa and with the other hand we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who violate the law. The extension of 245(i) does not strengthen our immigration policy. Instead, it weakens it. 245(i) empowers visa holders to flout the law and ''game'' the system. They will know that the terms of their visa are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends the mistaken message to thousands of people who are following legal immigration channels that the U.S. Government does not take seriously our immigration laws. This will only foster increased illegal immigration by adding an incentive to stay in the United States illegally.

Under current law, those who overstay their visa are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years and those who overstay legal permission to be in the United States by a year or more are prohibited from reentering the country for 10 years. These penalties aren't arbitrary. They are designed to let visa holders know we are law-abiding nation. They are designed to compel nonimmigrants to respect the terms of their visa. A 10-year prohibition is supposed to signal how serious we are about enforcing our laws.

Law-abiding nonimmigrants understand this. They are waiting for their family members and loved ones to join them as soon as they are granted legal permission. But 245(i) gives unlawful nonimmigrants a leg-up from those that are patiently waiting for the system to work. I think we should give a higher priority for citizenship to those who have demonstrated their willingness to live by our laws. 245(i) does just the opposite.

In addition to my concerns about the duplicitous nature of extending 245(i), this bill poses a significant national security risk. This bill does not take into account how our world has changed since September 11, 2001. It makes no provision to exclude individuals who are here illegally from countries that sponsor or host terrorism.

Earlier this year the Census Bureau reported 114,000 illegal immigrants from the Middle East were present in the United States. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated that there are ''sleeper cells'' of terrorist already residing in the United States awaiting their terrorism assignments. Will this bill allow some of these sleepers to slip through the cracks and readjust their status? We simply do not know.

The threat to America still exists. We are still on heightened alert overseas and here at home. Let us not be naive in our diplomatic efforts which may have the unintended consequence of threatening all of the good work that has been accomplished regarding homeland security.

I also object to the manner in which this subject is being considered today. As a Member of Congress, I would like the opportunity to amend this bill to have a straight up or down vote on whether or not we should extend 245(i). My guess is that if we had a straight up or down vote on this matter today, caution would prevail and the extension of amnesty for illegal immigrants would fail.

We should at least be permitted to vote to restrict granting amnesty to those that may pose a security risk.

I have introduced, H.R. 3286, which would place a temporary moratorium on all immigration from 13 countries known to house and train terrorists until the Attorney General certifies that the technological and security enhancing measures Congress has approved have been fully implemented. This is prudent policy because it takes into account the real terrorism threat from countries like Afghanistan, Algeria, Syria, Lybia, and the United Arab Emirates as we work to improve our immigration system.

The bill before us today simply asks Congress to ''rubber stamp'' amnesty for illegal immigrants across the board. As I represent my constituents, I cannot in good conscience go along with this. It is for these reasons that I plan on voting against this bill and I encourage my colleagues who are concerned about our national security to vote against this bill as well.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing a final version of this important enhanced border security bill to the floor today.

This bill contains many important provisions that will increase the funding and training for those charged with securing our borders. It will upgrade technology and produce counterfeit-proof visa documents. It is a good step toward more effective enforcement; and to answer the gentleman's question who just spoke a moment ago, the extension of 245(i) is not going to allow people who are in sleeper cells to stay. The enforcement is going to be much better effected in the course we have proposed in this bill today.

I want to address two particular criticisms of the temporary extension of section 245(i) contained in the bill today which are simply false. Opponents have attempted to characterize this provision as amnesty for millions of illegal aliens and, secondly, a threat to our national security. Neither allegation can be further from the truth.

This is not amnesty. Section 245(i) benefits a limited pool of people that the Immigration and Naturalization Service has already determined should be able to become permanent legal residents based on their family or employment relationships. The issue is not whether these immigrants are eligible or not. The issue is not when they could become United States permanent residents, but rather, where they may apply to become permanent U.S. residents.

Section 245(i) could be used only by certain prospective lawful permanent residents under close and careful scrutiny of Federal authorities. People using section 245(i) are required to be otherwise eligible to become permanent residents. The eligibility requirements for those applying under section 245(i) are identical to the screening process for those applying abroad.

This is no threat to national security. Not a single one of the September 11 attackers was eligible for adjustment under 245(i), but some were issued

valid documents by our overworked U.S. consulates overseas rather than being screened here in the United States by the Immigration and Naturalization Service, which has the technology and the resources to do that screening.

Mr. Speaker, seeing my time is about to expire, let me urge my colleagues to support this bill. I think it is a good bill and it advances our interests.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Colorado (Mr. TANCREDO) has 4½ minutes. The gentleman from New York (Mr. NADLER) has 1 minute remaining and the right to close.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

If somebody stood on this floor and experienced that old deja vu thing, when we talk about deja vu, I think we have seen this before, we have, in fact. It is called the Enhanced Border Security and Visa Entry Reform Act, but we passed it. So please do not be confused by the rhetoric on the floor here that it is centered on that part of the bill.

□ 1515

It is a good part of the bill. I support that part of the bill. But there is no reason to support it again because, guess what, we passed it. It is done. It is over there.

What we have here is the same wording, they drug that back up, and stuck amnesty onto it so as to essentially, I would guess, well, I do not know, and I will not judge the motive, but I will simply say that it is somewhat confusing for Members when they think that they might be coming up here to vote on enhanced border security and, in fact, of course, they have already done it.

In terms of whether or not we can rely upon the INS to accurately and conscientiously do the background work to determine whether or not the people who are making application are in fact legitimate in their request, let me just bring to the attention of my colleagues the most recent in a series of incredible, scathing reports about the INS. This one happens to be February 15. A GAO report finds pervasive and serious problems with immigration benefit fraud. In just one part here, a 90 percent fraud rate was found in the review of a targeted group of 5,000 petitions. These are the same kinds of things we are talking about here.

A 90 percent fraud rate. A follow-up analysis of about 1,500 petitions found only one was not fraudulent. One. And we are turning this task, the task of determining who is going to be able to come into the country, whether or not they have been truthful in the information they have brought to the INS, we are entrusting this entity with that challenge.

It is unfortunate, but true, that in the past when we did this, when we had another amnesty, admittedly broader in scope, but nonetheless an amnesty program in 1986, and one of the individuals who ended up as a perpetrator in the original bombings of the Federal building in New York, the office tower in New York, was someone who slipped through the cracks of that particular amnesty. He had been given amnesty on an agricultural visa because, of course, he lied and nobody checked, and nobody cared.

And it is not that much different today. It is astounding to me that we are on this floor debating this possibility of amnesty and turning it over to the INS to have them determine whether or not this is a legal applicant or a legitimate applicant. They have not the foggiest idea.

I assure my colleagues that when this passes, if this passes, and passes the other body, there will be a flood of applications. There will be literally millions. I would venture to guess that there will be millions of applications filed, and then the INS will have the responsibility of opening up the box at some period of time and going, ''Gee whiz, what are we going to do with this?'' I know exactly what they will do. They will get out this big stamp that says ''Approved'' and stamp it and dump it over here, because that is what they have done in the past.

To suggest there is some degree of true conscientiousness in this process with the INS is ludicrous. We know that is not true. Every single member of this Committee on the Judiciary knows that it is not true. If anybody saw ''60 Minutes'' the night before last knows that even ''60 Minutes'' is aware of how incompetent this agency is. And this is the entity to whom we are going to entrust the responsibility for this Nation's safety.

Regardless of who we think these people might be, no matter how pleasantly we paint the picture of who they are, just waiting to stay, the fact is, they are here illegally, or else, of course, we would not need to pass a law. They broke a law when they came into the country. There are all kinds of people trying to do it the right way. And to them we say, ''Hey, you know what, you really are stupid. You are really a big sucker. Why not do it this other way? Why not sneak in? Why not put pressure on the political establishment?'' Because, believe me, in a while we will cave in and we will have another amnesty, and another one and another one.

I encourage my colleagues not to be confused about this other language about visa reform. It has nothing to do with this bill. We have already passed it. We are dealing with amnesty here. Defeat it.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

A lot of references have been made to 9–11 in this debate today. 9–11 occurred in my district. I would remind people that the people who committed that dastardly act were in this country legally. So this bill has nothing to do with them, nothing to do with them.

Also, the gentleman from Colorado (Mr. TANCREDO) says the people we are talking about, under section 245(i), came into this country illegally. No, they did not. They came in legally under a tourist visa or a student visa or a work visa, and they met all the requirements over the years to get a green card and a permanent residence. But the bureaucracy of the INS frustrated them by delaying approval of that green card, and completion of the bureaucratic work passed the expiration of their visa. For that reason, under current law, they have to leave the country.

They may have to leave their family. Perhaps they married while in America and perhaps they have children who are American citizens. They have to leave their country, go abroad, perhaps for years, reapply, and then wait for the INS bureaucracy to finish what they should have finished beforehand.

That is cruel. That is separating families from American citizens. That is unnecessary. That is all we are talking about here. All talk about amnesty and terrorism is nonsense and irrelevant to this bill, and so I urge the passage of this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Enhanced Border Security and Visa Entry Reform Act. This is important legislation that builds up our security against future terrorist attacks. I am, however, disappointed in the scope of the 245(i) extension included in this bill. I believe this 245(i) extension is insufficient in time and stingy in scope.

The White House has continually stated support for an extension of 245(i) for 6 to 12 months. This new proposal of a limited 4-month extension with restrictions is not consistent with the spirit of President Bush's letter where he advocated for policies that strengthen families and recognized that there was not enough time with the previous four-month extension.

In December 2000, when Congress passed a 245(i) extension that expired April 30, 2001, it took the INS over 3 months to issue the new regulation, causing great panic and confusion among immigrants and creating an opportunity for unscrupulous and fraudulent immigration ''advisors.'' While this new provision will help some individuals and families, it will need new regulations and there will be delays and chaos similar to what happened last time.

A 245(i) provision helps people in this country who otherwise qualify for legal permanent residency. It is not an amnesty, but rather a way for people with deep roots in this country to reunite their families and work their way towards citizenship and full participation in their adopted country. A meaningful extension must go beyond 4 months and should not impose new arbitrary requirements.

At this time, I support this proposal because it is a step in the right direction, but I urge my colleagues to continue discussions and continue to work to pass and implement a comprehensive solution for families that are separated from their loved ones.

Mr. SERRANO. Mr. Speaker, I rise in support of H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act of 2002, that is before the House today. This bill will extend Section 245(i) of the Immigration and Naturalization Act to certain immigrants as well as

incorporate the provisions of H.R. 3525 which would help us in our fight against terrorism by generally strengthening border security. I voted for both of these bills in the past and continue to support their goals as represented in today's bill.

I support today's bill because it recognizes, at least on a limited level, the needs of certain immigrants who have strong ties here, have families here, have jobs and pay taxes here. This bill is also important because it recognizes that we must protect ourselves against further terrorist threats.

However, though on 245(i) this is a step forward, we must recognize that is only a small step. As I have said before and will say again, the 245(i) debate is not over. While this bill extends 245(i) to immigrants who were physically in the United States on December 21, 2000, and have established family or work ties on or before August 15, 2001, that is not enough. We must work for permanent reinstatement of 245(i). This bill today will move us in the right direction, but we need to work on a permanent solution. To stop the debate at this point would prevent us from securing a more meaningful extension of the provision for individuals with established lives, who work hard and contribute to our society.

Without supporting a permanent extension of 245(i), the Republican leadership in the House fails to adequately recognize the importance of reuniting immigrant families and the important role that these individuals and their families play in promoting our country's prosperity. It is long overdue and we must continue to push for permanent extension of 245(i).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to H.R. 1885 and its provision to extend Section 245(i) of the Immigration and Naturalization Act.

I support the foundation of H.R. 1885. It is designed to reform and enhance border security and visa screening procedures. As we mark the six-month anniversary of the attack on America, we need to take these important steps to bolster homeland security and protect our citizens and institutions.

That's why I am outraged that this Administration and this Congressional Leadership would support inserting the Section 245i extension into this bill. In my opinion, the two major provisions of H.R. 1885 work at dangerous cross-purposes. While the border security and visa screening reforms will enhance homeland security, the 245(i) extension will actually jeopardize homeland security by subjecting illegal aliens to a just cursory domestic police record check before allowing them permanent legal residence here. The extension also rewards individuals who have already violated our U.S. law.

This extension is wrong, dangerously wrong, for important reasons:

It allows hundreds of thousands of illegal aliens to stay permanently without going through face-to-face interviews in our embassies abroad, conducted in their native languages.

It entices millions more foreign nationals to enter the country without screening in hopes that they, too, will be rewarded for their lawbreaking.

It increases permanent U.S. population growth by creating a new tidal wave of amnesty for hundreds of thousands of illegal immigrants and the enticement for millions more to move to the U.S.

Finally, I am deeply concerned that Section 245(i) places the responsibility for background checks with the INS, an agency that has been justifiably criticized for its lack of effectiveness—ineptitude that has been highlighted since 9–11.

Consular officers in embassies overseas, not the INS, should have the responsibility to conduct background checks. They are the ones with the expertise in the language and procedures of the countries in which they are stationed, as well as longstanding relationships with police officials in the home country. Consular officials are the ones who develop hands-on knowledge of local customs, including criminal enterprises and terror groups. That's precisely why they are stationed in-country. They are more prepared and better positioned than INS officials here in the United States to screen potential immigrants effectively.

Mr. Speaker, we are a country of laws. One of the shining principles of our democracy is equal justice under the law. In this context, we cannot choose which laws we will obey and which ones we will ignore.

Extension of 245(i) will send the message around the globe that the United States tolerates and, indeed, encourages individuals to break our immigration laws. By effectively rewarding individuals who either entered the country illegally or overstayed their legal welcome, we are harming thousands of immigrants who played by the rules every year. They followed our procedures. They waited patiently in their home countries for entry visas. Today's debate tells them they were naïve and stupid to wait.

Frankly, I am shocked and appalled that this debate is taking place. Just yesterday, this nation paused to mark the six-month anniversary of the attack on America. Many of my colleagues attended solemn ceremonies in New York, at the Pentagon, at the White House and in Pennsylvania.

And how does this House mark the anniversary? By debating a bill that promotes illegal behavior in our immigration policy and, in the process, leaves our nation vulnerable to potential terror attack.

If September 11th taught us anything, it taught us that no threat to American security can be taken lightly any longer. The Administration, the Congress, the courts, the states, law enforcement, the American people must work together to ensure our national safety. Passage of this extension has the potential to increase the threat to that safety by allowing criminals, ranging from drug pushers to thieves to murderers to suicide bombers, to remain in America legally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill on the floor today is an amended version of H.R. 1885, which is a bill to extend Section 245(i) of the Immigration and Nationality Act.

Section 245(i) of the Immigration and Nationality Act permits certain undocumented immigrants in the U.S. to adjust their status and become lawful permanent residents.

More specifically, section 245(i) allows persons—who qualify for an immigrant visa by having a close relative or employer petition filed on their behalf, but entered without inspection or otherwise violated their status and thus are ineligible to apply for adjustment of status in the United States—to apply if they pay a $1,000 penalty.

Not only must an undocumented immigrant be eligible for an immigrant visa and have a visa immediately available to him or her in order to make use of section 245(i), but the person can also not be barred by some other provision of the Immigration and Nationality Act.

Without section 245(i), most undocumented immigrants who are otherwise eligible for an immigrant visa would be required to leave the United States in order to adjust their status. This would subject them to the long bars to their admissibility. Furthermore, it is important to note that Section 245(i) does not protect an undocumented immigrant from deportation if the alien is encountered by authorities prior to his or her visa becoming available; section 245(i) is simply a device that an immigrant can use at the time of his or her adjustment to avoid having to go back to his or her home country to pick up his or her visa.

Section 245(i) was first enacted in 1994 for a three year period. It was reauthorized in 1996, and again in 1997. The reauthorization in 1997 required that only those who had filed applications or petitions for an immigrant visa by January 1998 could make use of it. The 106th Congress extended the filing deadline to April 30, 2001, requiring at that time that applicants be in the United States prior to December 21, 2000.

However, after Congress extended the filing deadline to April 30, 2001, the regulations for section 245(i) were only introduced on March 26, 2001—giving people a month to find out about the law as well as take action and file petitions or applications before the April 30, 2001 filing deadline.

In addition to the short amount of time in which people had access to the regulations, massive misinformation about section 245(i) had been spread—starting out with a widespread belief that 245(i) was a general amnesty, which it was not.

As was estimated, thousands of people who were expected to benefit did not have enough time to file the proper petition or application.

Many of those who waited in lines at INS offices nationwide never made it to the front of the line. And many people were turned away because they were not prepared to file the correct application or petition, because of a lack of accurate information. Others tried to seek legal counsel in time but were unsuccessful due to attorneys having been booked for appointments due to the flood of people seeking help.

The Senate amended H.R. 1885 in an attempt to address the unfair situation caused by the regulations being published so close to the April 30, 2001.

The amended H.R. 1885, extends section 245(i) of the Immigration and Nationality Act until November 30, 2002, or 120 days after the promulgation of final or interim final regulations implementing the bill, whichever occurs earlier. It requires, as well, that the relationship giving rise to the petitions (i.e., marriage) be entered into by August 15, 2001. So the familial relationship must have existed by August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001.

Although I recognize the importance of the compromise legislation and the fact that it will benefit many people, the House is about to pass a section 245(i) extension that is not the

measure that we hoped for these past months. In addition, the bill also includes a damaging provision that extends the filing deadline for employment-based applications only for people who have filed a labor certification by August 15, 2001. This already expired filing date puts people in the untenable position of having waited for an extension of section 245(i), only to find that it is too late if they have not already filed the underlying qualifying application. Now we find that people seeking to benefit from the extension must have filed their labor certification applications before August 15, 2001.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong opposition to specific portions of H.R. 1885, the 245(i) Extension Act. As you know, a House amendment to H.R. 1885 added the text of H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act, that the House passed by voice vote on December 19, 2001.

While this Member strongly supports the provisions of H.R. 3525 that would include establishing a government-wide electronic data base on persons with terrorist ties, installing a new high-tech visa system to reduce fraud and counterfeiting, increasing the number of full-time Immigration and Naturalization Service (INS) employees and requiring a system to electronically track all foreign visa students in the United States; this Member, however, remains strongly opposed to the original provisions of H.R. 1885 regarding the extension of Section 245(i).

This Member's opposition relates to the provisions whereby Section 245(i) allows illegal aliens to buy legal permanent residence for $1,000. Ironically, on September 11, 2001, the House was scheduled to debate H.R. 1885 on the Floor. Of course, all House action for that day was pre-empted by the horrific and unspeakable terrorists act committed, in part, by illegal aliens. In light of those events, this Member remains amazed that some of his colleagues continue to seek a policy which permits paying for citizenship by persons who entered this country illegally; that simply is not in the best interest or principles of the United States or in U.S. national security interests.

Although the current legal immigration structure is by no means perfect, it does provide for crucial health screening and criminal record background checks which determine if potential immigrants will place the well-being and security of American citizens and legal immigrants in danger. To make such determinations is not only the right of the United States as a sovereign country it should be among our foremost responsibilities, especially in light of the September 11th terrorist attacks.

Mr. Speaker, Section 245(i) ultimately rewards those people who have thwarted the legal immigration structure by entering the country illegally or by allowing their legal status to lapse. Simultaneously, the policy penalizes potential immigrants who have patiently waited many years, completed many forms, and undergone appropriate screenings for the privileged opportunity to be reunited with family members and to work in the United States. The amendments by the other body only worsened the bill by extending the time illegal aliens have to apply.

Mr. Speaker, Section 245(i) was a bad policy when it was first enacted in 1994. It most assuredly was not worthy of being re-instated during the previous 106th Congress, and it should not be further extended. Furthermore, since H.R. 3525 has already passed the House, a ''no'' vote on H.R. 1885 would not impede the progress of those important border security and visa entry reform provisions. Extending Section 245(i) is certainly a grave mistake that we should not make at this critical juncture in our country's war on terrorism.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act.

Section 245(i) is a vital provision of U.S. immigration law, allowing eligible immigrants on the cusp of becoming permanent residents to apply for their green cards in the U.S., rather than returning to their home countries to apply. Section 245(i) is available to immigrants residing in the U.S. who are sponsored by close family members, or by employers who cannot find necessary U.S. workers, and on whose behalf petitions were submitted prior to April 1, 2001.

People who apply under Section 245(i) are screened for criminal offenses, health problems, the potential of becoming a public charge, fraud, misrepresentation, and other grounds of inadmissibility. Each applicant will pay a $1,000 processing fee, thereby generating revenue for the Immigration and Naturalization Service—at no cost to taxpayers.

The issue is not whether these individuals are eligible to become permanent residents—because they already are, but rather the issue is the location from which they are eligible to apply.

Restoring 245(i) is pro-family, pro-business, and fiscally prudent. These individuals have jobs, pay taxes, contribute to the economy, and pay into Social Security. Section 245(i) allows business to retain valuable employees, provides INS with millions of dollars in annual revenue, and allows immigrants to remain with their families while applying for legal permanent residence.

Under H.R. 1885, any immigrant petitions filed before either April 30, 2002, or four months after regulations are issued, would form the basis of Section 245(i) eligibility. However, those who file after April 30, 2001 must demonstrate that the ''familial relationship'' existed before August 15, 2001, or that the application for labor certification (which is the basis of such petition for classification) was filed before August 15, 2001. Thus, family relationships must have existed before August 15, 2001. For employment-based labor certifications, the labor certification application must have been filed by August 15, 2001.

Mr. Speaker, I urge all of my colleagues to support this common sense legislation to provide hard working individuals who are on the brink of becoming permanent residents the opportunity to apply for their residency here in the U.S.

Ms. SOLIS. Mr. Speaker, I rise to express my disappointment that H.R. 1885 does not include a permanent extension of the Section 245(i) program, or at the very least a one-year extension. I am also very concerned that this measure imposes unfortunate new eligibility restrictions that will greatly limit the pool of potential beneficiaries.

Each day without a permanent extension of this program, Americans with immigrant spouses or children face separation from their families. Statistics from the INS show that approximately seventy-five percent of the immigrants who apply for 245(i) relief are the spouses and children of United States citizens and permanent residents.

Extending 245(i) permanently is common sense. It is pro-family, pro-business, and fiscally prudent. It strengthens families by keeping them united; it allows businesses to retain valuable employees; and it provides the INS with millions in annual revenue, at no cost to United States taxpayers.

H.R. 1885 does not do enough to help immigrants in need. While I will support it because it is a good starting point, I urge Congress and the Administration to work together in the future to implement either a one-year or permanent extension of 245(i).

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2002

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499.

The Clerk read as follows:

H. RES. 364

Resolved, That upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1499 and amendments of the Senate thereto, and to have (1) concurred in the amendment of the Senate to the title, and (2) concurred in the amendment of the Senate to the text with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia College Access Improvement Act of 2002''.

SEC. 2. PUBLIC SCHOOL PROGRAM.

Section 3(c)(2) of the District of Columbia College Access Act of 1999 (sec. 38–2702(c)(2), D.C. Official Code) is amended by striking subparagraphs (A) through (C) and inserting the following:

''(A)(i) in the case of an individual who begins an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive

months preceding the commencement of the freshman year at an institution of higher education;

''(ii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or

''(iii) in the case of any other individual and an individual re-enrolling after more than a 3–year break in the individual's post-secondary education, has been domiciled in the District of Columbia for at least 5 consecutive years at the date of application;

''(B)(i) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

''(ii) in the case of an individual who did not graduate from a secondary school or receive a recognized equivalent of a secondary school diploma, is accepted for enrollment as a freshman at an eligible institution on or after January 1, 2002; or

''(iii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002;

''(C) meets the citizenship and immigration status requirements described in section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5));''.

SEC. 3. PRIVATE SCHOOL PROGRAM.

Section 5(c)(1)(B) of the District of Columbia College Access Act of 1999 (sec. 38–2704(c)(1)(B), D.C. Official Code) is amended by striking ''the main campus of which is located in the State of Maryland or the Commonwealth of Virginia''.

SEC. 4. GENERAL REQUIREMENTS.

Section 6 of the District of Columbia College Access Act of 1999 (sec. 38–2705, D.C. Official Code) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Mayor of the District of Columbia may not use more than 7 percent of the total amount of Federal funds appropriated for the program, retroactive to the date of enactment of this Act (the District of Columbia College Access Act of 1999), for the administrative expenses of the program.

''(2) DEFINITION.—In this subsection, the term 'administrative expenses' means any expenses that are not directly used to pay the cost of tuition and fees for eligible students to attend eligible institutions.'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g);

(3) by inserting after subsection (d) the following:

''(e) LOCAL FUNDS.—It is the sense of Congress that the District of Columbia may appropriate such local funds as necessary for the programs under sections 3 and 5.''; and

(4) by adding at the end the following:

''(h) DEDICATED ACCOUNT FOR PROGRAMS.—

''(1) ESTABLISHMENT.—The District of Columbia government shall establish a dedicated account for the programs under sections 3 and 5 consisting of the following amounts:

''(A) The Federal funds appropriated to carry out such programs under this Act or any other Act.

''(B) Any District of Columbia funds appropriated by the District of Columbia to carry out such programs.

''(C) Any unobligated balances in amounts made available for such programs in previous fiscal years.

''(D) Interest earned on balances of the dedicated account.

''(2) USE OF FUNDS.—Amounts in the dedicated account shall be used solely to carry out the programs under sections 3 and 5.''.

SEC. 5. CONTINUATION OF CURRENT AGGREGATE LEVEL OF AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The District of Columbia College Access Act of 1999 (sec. 38–2701 et seq., D.C. Official Code) is amended by adding at the end the following new section:

''SEC. 7. LIMIT ON AGGREGATE AMOUNT OF FEDERAL FUNDS FOR PUBLIC SCHOOL AND PRIVATE SCHOOL PROGRAMS.

''The aggregate amount authorized to be appropriated to the District of Columbia for the programs under sections 3 and 5 for any fiscal year may not exceed—

''(1) $17,000,000, in the case of the aggregate amount for fiscal year 2003;

''(2) $17,000,000, in the case of the aggregate amount for fiscal year 2004; or

''(3) $17,000,000, in the case of the aggregate amount for fiscal year 2005.''.

(b) CONFORMING AMENDMENTS.—

(1) PUBLIC SCHOOL PROGRAM.—Section 3(i) of such Act (sec. 38–2702(i), D.C. Official Code) is amended by striking ''and such sums'' and inserting ''and (subject to section 7) such sums''.

(2) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking ''and such sums'' and inserting ''and (subject to section 7) such sums''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now under consideration, House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support House Resolution 364, which incorporates amendments by the Senate and by the House to H.R. 1499.

First, I would like to thank and recognize the gentlewoman from the District of Columbia (Ms. NORTON), the sponsor of the bill, for her deep interest in education for those who are domiciled in the District of Columbia and for her genuine interest in making our Nation's Capital a place of which all our citizens can be proud and one where visitors from all other countries visit enthusiastically.

I also want to express my appreciation to the gentleman from Virginia (Mr. DAVIS), my predecessor as Chair of the Subcommittee on the District of Columbia, an original cosponsor of the measure, who was responsible in guiding the original legislation into law in 1999.

Additionally, I want to recognize the support given by the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), as the House passed the legislation in July of 2001 and for his support of the amended version. My appreciation also goes to the majority leader, the gentleman from Texas (Mr. ARMEY), for guidance in bringing H.R. 1499, as amended by the Senate and the House, back to the floor.

I also extend my gratitude to the gentleman from Oklahoma (Mr. WATTS) and other members of the Republican leadership who assisted in crafting an amended bill that is acceptable to both sides of the aisle and both Houses.

The original act provides District of Columbia residents with in-state tuition at public colleges and universities throughout the country. Students are permitted a maximum of $10,000 per year and a lifetime amount of $50,000 per student. This resolution, as originally introduced on April 4, 2001, by the gentlewoman from District of Columbia, and cosponsored by the gentleman from Virginia (Mr. DAVIS) and myself, expands this benefit to include District of Columbia residents who graduated from high school or received the equivalent of a high school degree before 1998, as well as individuals who begin their postsecondary education more than 3 years after they graduated from high school. The legislation prohibits foreign nationals from participating in the tuition program.

The Senate amended H.R. 1499 under unanimous consent and sent it back to the House on December 13, 2001. The amendment included, inter alia, the expansion of the list of eligible private institutions where D.C. residents could attend by receiving $2,500 annual stipend, capped at $12,000 per student, to include historically black colleges and universities nationwide. The original act included only the historically black colleges and universities that were located in Maryland and Virginia.

The House amendment includes some technical amendments. It also retains the Senate provision of including all the HBCUs nationwide and also requires the District government to establish a dedicated account for the program. The House amendment endorses the Senate amendment, expressing the sense of Congress that local funds may be appropriated by the District of Columbia to help with financing the tuition program.

The House amendment adds language that authorizes no more than $17 million in Federal funds for each of following years: 2003, 2004, and 2005. This amount is the same as the current funding level.

Mr. Speaker, I urge our colleagues to support this lifetime legislation. This gift of education is a gift that does last

a lifetime. What we are doing today is letting more District of Columbia residents receive that gift. The legislation opens a window of opportunity for countless numbers of District of Columbia residents, and it is another contribution to the growing vitality of the Nation's Capital.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 364, the College Access Improvement Act, as amended by the Senate and as further amended by the bill we offer in the House today. H. Res. 364 would allow more D.C. residents to receive the valuable benefits of the College Access Act passed by Congress in 1999.

I want to thank the Chair of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the past Chair of the subcommittee, the gentleman from Virginia (Mr. DAVIS), who are original cosponsors of this bill; the gentlewoman from Maryland for her consistent work and strong support of the House version, and the gentleman from Virginia, who, with me, sponsored and worked diligently for passage of the original College Access Act.

The Senate amendments before us today are the result of collegial negotiations to produce a consensus bill with our Senate sponsors, particularly the ranking member of the Senate Subcommittee on the District of Columbia, GEORGE VOINOVICH, the chief sponsor of the Senate bill, with the strong support of Senator JOE LIEBERMAN, Chairman of the Senate Government Affairs Committee, and Ranking Member Senator FRED THOMPSON, and chairman of the Senate Subcommittee on the District of Columbia, DICK DURBIN.

I appreciate the willingness of the House leadership, particularly the majority leader, the gentleman from Texas (Mr. ARMEY), along with conference chair, the gentleman from Oklahoma (Mr. J.C. WATTS), as well as the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), to work with us on the amended version of the bill before us today which ensures that the College Access Act, as amended by H. Res. 364, does not exceed its annual appropriation.

We are pleased and appreciative that the College Access Act, including the amendments made by H. Res. 364, have been fully funded by President Bush in his 2003 budget. H. Res. 364, as amended, has the enthusiastic support of Mayor Williams, the Council of the District of Columbia, and especially of D.C. residents.

I want once again to thank Congress for its strong support of the District of Columbia College Access Act of 1999, and to indicate that the benefits to education Congress sought are being realized. The act is now responsible for nearly 2,500 D.C. students who are attending public colleges and universities nationwide at in-state rates, or receiving a $2,500 stipend to attend private colleges and universities in the District of Columbia and the region.

□ 1530

It is impossible to overestimate the value and importance of the act to the District which has only an open admissions university and no State university system. A college degree is critical in the District of Columbia because ours is a white collar and technology city and region with few factories and other opportunities for jobs that provide good wages without a college education. The College Access Act provides opportunities for D.C. residents to afford a college education here, in the region and around the country that would be routinely available throughout the Nation with the exception of the District. Now D.C. residents have choices for college education similar to those available to Americans in the 50 States. In no small part because of the success of the College Access Act, the high school class in the District of Columbia of 2001 had 64 percent college attendance compared with the national average of 43 percent.

H. Res. 364 will expand the original College Access Act of 1999 in several significant ways. The bill allows D.C. residents to receive a $2,500 stipend to attend any historically black college and university in the country rather than only in the region as in the original act. Over 600 D.C. residents are expected to take advantage of this important provision in the first year after enactment.

Second, students who are somewhat older because they graduated prior to 1998 were not included in the original College Access Act because of the Senate's fear that funding would be insufficient. Actually, funding was sufficient; and I appreciate that we have been able to get agreement with the Senate to expand tuition benefits to at least two groups of older students. The first group is D.C. residents currently enrolled in college, regardless of when these students graduated and regardless of the amount of time it took those students to enroll in college. This change will enable approximately 1,000 students previously denied in-state tuition, including many older students, to qualify this year.

A second group of older students will benefit as a result of language that removes a requirement that a student enroll in college no longer than 3 years after high school graduation. The Senate has agreed to remove the 3-year constraint prospectively. Consequently, the first group of students who took longer than 3 years to enroll in college can take advantage of the College Access Act benefits this year. There are many such students in the District because many cannot afford to go to college right out of high school, and more and more older students are expected to receive tuition assistance in the years to come.

Also included in both the Senate and the House bill is an amendment that closes a loophole that allowed foreign nationals who live in the District to benefit, a result never intended by the sponsors or by either House.

These amendments to the College Access Act will allow thousands of additional D.C. residents who were not included in the original act to receive tuition assistance. Although the Senate did not include all the changes I sought, the agreement on the addition of HBCUs nationwide is especially welcome. This bill deserves our support because it brings higher-education opportunities for the District's young people much closer to those regularly enjoyed routinely in the districts of other Members of Congress. I thank Members for the support they have given the College Access Act and ask for their support for its expansion.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

This is a bill that is very important. It took a lot of time and a lot of attention. Some great staff have been involved in doing it. I mentioned the gentlewoman from the District of Columbia (Ms. NORTON) for her splendid cooperation and splendid work on this bill. It is very important to our workforce that we have opportunities for college education. I ask this body to very strongly support House Resolution 364.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 364, providing for the concurrence of the House with amendment in the Senate amendments to the bill, H.R. 1499, the District of Columbia College Access Act Technical Corrections Act of 2002.

In 1999, I introduced the District of Columbia College Access Act of 1999, with Delegate ELEANOR HOLMES NORTON, which created the D.C. Tuition Assistance Grant Program. This program allows recent high school graduates in D.C. to pay in-state tuition rates of up to $10,000 annually at public colleges and universities nationwide. Eligible D.C. residents attending private institutions in D.C., Maryland, or Virginia, or Historically Black Colleges and Universities in Maryland and Virginia may receive grants of $2,500 annually.

It was always my intention that this program would have a broader application. However, financial considerations restricted the scope of the program. Therefore, I am pleased to be an original cosponsor of H.R. 1499. It will open the eligibility requirements to those individuals who graduated from secondary school prior to 1998 and also to individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school. Additionally, this bill will permit the grants to be applied to tuition expenses at Historically Black Colleges and Universities nationwide.

The popularity of this program among students and parents has risen steadily since its inception. The program has proven to be a successful incentive to retain and attract D.C.

residents. Now, H.R. 1499 ensures that a greater number of D.C. residents are eligible to receive tuition assistance and broaden their educational opportunities at the undergraduate level.

I would like to thank my colleagues in the House and Senate for their work on this bill. We have successfully worked together on this legislation to authorize $17 million for the Tuition Assistance Grant Program each year through FY 2005.

The expansion of the Tuition Assistance Grant Program will increase the educational opportunities available to D.C. residents. I strongly urge my colleagues to join me in supporting H. Res. 364.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the District of Columbia College Access Improvement Act of 2001. Historically black colleges and universities, or HBCUs as they're known, are important institutions of higher learning in America. This bill recognizes their significance by opening up tuition assistance under the D.C. College Access Act to be used for HBCUs nationwide—not just those in the immediate area.

Under current law, a resident of the District of Columbia may receive $2,500 per year for tuition at private HBCUs in D.C., Virginia or Maryland. Well, for one thing, there aren't any private HBCUs in Maryland. And the other options can be pretty expensive for a student who will not be receiving other financial help. This bill expands the options for students and broadens the possibilities for residents of the District of Columbia.

HBCUs have received a higher level of awareness thanks to the bi-partisan leadership of many in Congress and the White House. This legislation is yet another step toward raising the role HBCUs serve in the field of higher education.

I thank the sponsors of the bill before the House today and urge my colleagues to support the D.C. College Access Improvement Act.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 100TH ANNIVERSARY OF BUREAU OF THE CENSUS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 339) expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

The Clerk read as follows:

H. CON. RES. 339

Whereas this Nation's Founding Fathers mandated that a census be conducted once every 10 years, and the decennial census remains the only constitutionally mandated data collection activity today;

Whereas the Congress established a permanent ''Census Office'' in the Department of the Interior on March 6, 1902, and, in 1903, transferred that office to what was then the newly established Department of Commerce and Labor (within which, with more than 700 employees, it comprised the largest of that department's new bureaus);

Whereas Federal, State, and local governments use data collected by the Bureau of the Census in the distribution of funds and in the formulation of public policy in such areas as education, health and veterans' services, nutrition, crime prevention, and economic development, among others;

Whereas the Bureau of the Census supplies statistical data to the Bureau of Labor Statistics, the Bureau of Economic Analysis, the Board of Governors of the Federal Reserve System, and other Government agencies charged with measuring and reporting on the health of the Nation's economy;

Whereas the Bureau of the Census is the Nation's largest data collection agency, collecting data used by other Government agencies, tribal governments, institutions, universities, and nonprofit organizations, and supplying information on poverty, unemployment, crime, education, marriage and family, and transportation;

Whereas, throughout its first 100 years, the Bureau of the Census has earned a reputation for scrupulously safeguarding the confidentiality of respondents' answers, a responsibility vital to maintaining the public's trust;

Whereas the Bureau of the Census, with the cooperation of other Government agencies, the Congress, State and local governments, and community organizations, and with significant technological innovation and public outreach, has just conducted this Nation's 22d decennial census in a timely and professional fashion, employing over 500,000 dedicated Americans in the process; and

Whereas March 6, 2002, marks the 100th anniversary of the establishment of the Bureau of the Census: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby—

(1) recognizes the 100th anniversary of the establishment of the Bureau of the Census; and

(2) acknowledges the achievements and contributions of the Bureau of the Census, and of its current and former employees, to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 339.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to pay tribute to the United States Census Bureau. Last week the Census Bureau celebrated its centennial birthday, 100 years of invaluable service to America. Our Constitution requires us to conduct our census, an actual enumeration, every 10 years.

I quote: ''The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such a manner as they shall by law direct.''

The conduct of the census for the apportionment of Congress is almost as old as the birth of our Nation. In 1790, Thomas Jefferson, the Secretary of State under George Washington, directed the efforts of the U.S. marshals who would serve as enumerators until the 1880 census.

Mr. Speaker, the census was never easy to conduct. Suspicious residents were not the only difficulty encountered by our Nation during a census. Census forms from Delaware, Georgia, Kentucky, New Jersey and Tennessee were destroyed by the British when they burned the Capitol during the War of 1812.

Throughout our history, censuses have been used to mark significant achievements and milestones in our Nation's history. The 1860 census would show New York as surpassing the 1 million mark in that great city's population. In 1864, General Sherman would use published information on population and agriculture in his war-planning efforts. President Lincoln remarked on the importance of the population information saying: ''If we could first know where we are and wither we are tending, we could better judge what to do and how to do it.'' And one of my favorite Presidents, President Garfield, said: ''The census is indispensable to modern statesmanship.''

Mr. Speaker, 1878 would mark the first publication of the Statistical Abstract of the United States. Today, with more than 1,500 tables, the Abstract is the Census Bureau's oldest and most popular reference product. The 1890 census marked the first use of the punch card and mechanical tabulating equipment. The 1890 census would also mark the end of the frontier in the United States. Census analysts wrote: ''Up to and including the 1880 census, the country had a frontier. At present the unsettled area has been so broken into isolated bodies of settlement that there can hardly be said to be a frontier line.''

Mr. Speaker, in 1902 a permanent census office was established in the Department of the Interior and in 1903 the census office became the Census Bureau in the new Department of Commerce and Labor. The 1910 census included for the first time a census of manufacturers. The 1910 census would also have President Taft issuing the first-ever census proclamation.

In 1915, the U.S. population would reach 100 million and the Census Bureau would conduct its first special enumeration for a local government in Tulsa, Oklahoma. In 1942, the Census Bureau moved to its current location in Suitland, Maryland, which is named after Colonel Samuel Taylor Suit, a

Maryland legislator, businessman and agriculturist who first owned the land. Even the reason for the Census Bureau relocating to Suitland is representative of the bureau's devotion to our Nation. During World War II, one of the many new Federal agencies created to aid in the war effort was the Office of Price Administration, or the OPA. Because of its war-related mission, the OPA director believed his office needed to be near the Capitol. As a cooperative and patriotic gesture, the Census Bureau's director, J.C. Capt, volunteered to move the Census Bureau to Suitland, Maryland, so that OPA could be closer to Congress during the war.

Mr. Speaker, the Census Bureau does not simply conduct our decennial census every 10 years. In fact, the Census Bureau conducts more than 350 surveys every year and issues more than 1,000 data reports. One of the most important surveys is the economic census, which traces its beginning back to 1810. Federal Reserve Chairman Alan Greenspan says of the economic census: ''The economic census is indispensable to understanding the American economy. It assures the accuracy of the statistics we rely on for sound economic policy and for successful business planning.''

The Census Bureau has a longstanding commitment of service to our Nation. Representative of this commitment to excellence, one of the Census Bureau's employees, through a labor of love, managed to capture the history and spirit of our Nation's census history in a census quilt. From a distance, this work of art appears to be just a quilt, but it is not. It is the story of the U.S. Census Bureau and the role that it has played ''from inkwell to Internet'' to chronicle our Nation's past and illuminate the future.

At the center of the story is the Census Bureau seal surrounded by 100 compass points, one for each year of its existence as an organization. At each major directional compass point is a 10-pointed star, created from two five-pointed stars. These represent the population censuses that the Census Bureau conducts every 10 years and the economic censuses conducted every 5 years.

The story begins at the lower left corner and moves clockwise. The years before 1902 are depicted by the constitutional mandate and the original 13 colonies, and the Nation's expanding industry, trade and transportation. The story continues with a snapshot of the rich history of the 20th century as the country and cities grow, technology is integrated into our work and society, and the diversity of our people enriches our Nation.

Carol Pendleton Briggs, a Census Bureau employee for 12 years, created this work of art to commemorate the centennial. She has created a skillful and moving representation of the Census Bureau's place in American history and its important work as an organization to chronicle the past and illuminate the future. She deserves much praise for such a wonderful work of art. The quilt is on display at the Census Bureau and hopefully will be displayed here sometime soon.

Mr. Speaker, H. Con. Res. 339 is an important recognition of the vital contribution of the U.S. Census Bureau. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume. I rise to join my colleagues in honoring the U.S. Census Bureau.

Mr. Speaker, much has changed since 1902, and the Census Bureau has been important in documenting and helping us to understand those changes. Despite the importance of the census to Congress and the country throughout the 19th century, it was not until the end of that century that discussions began in earnest about creating a permanent census office. Throughout the 19th century, Congress created a special census office every 10 years to carry out the function of taking the census. That office was disbanded after the census data were published, only to rise again a few years later.

In February 1891, the Senate requested the Secretary of the Interior to draft a bill creating a permanent census office which was introduced in December 1891 and died in committee. Hearings were held in the House of Representatives on the need for a permanent census office in 1892, and legislation was again introduced in 1896. However, there was not yet sufficient legislative support for a permanent census office, and the 1900 census was conducted under temporary authority.

Among the issues debated by Congress were whether the office should be independent or housed within a department, whether the employees should be covered by civil service rules or be patronage positions as in the past, and, of course, what the office would do in the years between censuses.

During the conduct of the 1900 census, the census office sponsored several studies to address pressing public policy issues in the hope that these studies would illustrate what a permanent census office could do. Among those contributing to this effort was W.E.B. DuBois. Finally, in 1902, Congress passed a relatively simple bill that said, quote: ''The census office temporarily established in the Department of the Interior is hereby made permanent.''

Over the last 100 years, the census and the Census Bureau have never been far from the center of controversy. It was the census of 1920 which informed us that the country was passing through a transition from a rural agrarian society to an urban industrialized society.

□ 1545

That same census documented the importance of immigration in the growth of the Nation.

The 1930 census marked a change from a debate in Congress every 10 years about how seats would be apportioned to the States to a process set in law. The 1930 census also saw Congress direct in the Census Act that data be collected on unemployment over the objection of the Census Bureau and the Census Advisory Committee from the American Economic Association and the American Statistical Association.

The 1940 census began the measurement of census undercount when 13 percent more black men registered for the draft than the Census Bureau thought existed. The measurement of the undercount and what to do about it remains a controversy today.

So it goes down through history. From voting rights to revenue sharing to equal representation for all, the Census Bureau has been at the center of nearly every controversy. Why? Because without good numbers, we do not know who we are or whether society has progressed or regressed; and the Census Bureau has been the source for many of those good numbers.

I do not pretend to know what the next century will hold for our Nation or for the Census Bureau, but I can predict one thing: Whatever happens, we will look to the Census Bureau for help in understanding the past, present and future.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to add my support for this resolution recognizing the 100th anniversary of the Census Bureau.

The census data paint a picture of America, including information on economic status based on age characteristics. It is because of the census that we know how successful the Social Security program has been in raising senior citizens out of poverty.

The census numbers show that in 1999, 9.7 percent of people age 65 and older lived in poverty, the lowest percentage ever. The census numbers tell us that Social Security provides over half the total income for the average elderly household. For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women would be living in poverty.

The resolution states the Census Bureau gives us the data that is essential ''in the distribution of funds and in the formulation of public policy.'' The Census Bureau numbers will play a critical role in the public policy debate on Social Security.

I believe that the census numbers will demonstrate the folly of privatizing Social Security. According to the Census Bureau, the number of persons 65 and older will grow from 35 million in 2001 to 82 million in 2050. In 2050, the number of women over age 85, those most dependent on Social Security, will be four times the number

today. They are depending on us to continue the promise of Social Security.

I believe the census data prove that we can make modest changes in Social Security, like raising the earnings cap, and maintain the guarantee. The census data on income, poverty and wealth show that Social Security has been instrumental in improving the financial security of seniors and families across this country. Privatization will reverse that trend and threaten the financial security of many retirees, particularly older women.

It is important to recognize the value of the Census Bureau today, but it is even more important to debate and reject Social Security privatization, to protect current and future beneficiaries. I urge the Republican leadership to schedule that debate soon.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support the work of this Committee on the Census and H. Con. Resolution 339, and I am happy to honor the Census Bureau for its work.

The Census Bureau tells us not only how many people live in the United States, but the condition of these individuals living in our country. It also tells us about the unmet needs of the people, and as we read the unmet needs of the people as outlined in the census, we are struck by the fact that, week after week, the Republican leadership in the House continues to spend an inordinate amount of time, valuable time that belongs to the people of this country, to continue to pass these kinds of symbolic resolutions, while ignoring the urgent needs that deserve the debate and action of this House, the urgent needs as outlined in the census.

It took the House Republican leadership 6 months after September 11 to finally address the economic plight of over 7 million unemployed people, including the 1.5 million men and women who had exhausted their unemployment benefits because of a recession that began months before the terrorist attack.

A reading of the real-time census would have told the Republican leadership that 80,000 people a week were losing their unemployment benefits, losing any type of economic support, threatening the loss of their homes, of their apartments, of their children's schooling, of their health care, and yet nothing was done for 5 months.

Perhaps a reading of the census could have spurred us on to quicker action on behalf of these Americans. Perhaps it would have spurred us on to pass a bill to help those unemployed Americans, without holding them hostage to hundreds of billions of dollars in tax benefits for the wealthiest individuals and corporations in this country.

We still have not been allowed to consider extending unemployment benefits to millions of hard-working Americans who pay for benefits, but are denied them under current law; temporary workers, low-income workers, part-time workers, contingent workers, who, if you read the census, are more likely than not to be women, to be young people, to be immigrants.

Why is there not a bill on this floor, instead of this resolution, assuring unemployment protection to all Americans who work hard to provide for the well-being of their families and for this country? A census would show that in fact huge numbers of Americans are uncovered by the unemployment insurance system in this country.

A reading of that census would also point out the fact that 40 million fellow Americans, nearly one in seven, live in fear of sickness or injury in the family because they cannot afford basic health insurance. They do not have access to it because they cannot afford it or because it is denied to them.

The census would also tell us that over half of those individuals are full-time year-round workers with families, and yet, as we see from the census, they are denied health care; and if they are Hispanic families, their chances of lacking health insurance are more than twice as high, according to the census.

We have time to honor the census and the Census Bureau, and it is properly so; but when we come here week after week after week and we ignore the basic needs of the American people, the basic needs of the American family, the basic needs of the American working individual, it is time for us to get on with their business and not the symbol, these symbolic resolutions.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I join my colleagues in congratulating the Census Bureau on its 100th anniversary, and I also want to thank Dr. Margo Anderson, author of The American Census, from which some of my remarks were drawn.

I would also like to congratulate William Barron, who is retiring, the former Director of the Census Bureau, and congratulate him on conducting the most accurate census in the history of our Nation, the 2000 census.

I want to also congratulate the chairman of our subcommittee, the gentleman from Florida (Mr. DAN MILLER), for his leadership of that subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the 2000 census has just recently concluded, a census where a highly successful advertising campaign, coupled with a partnership effort of more than 140,000 government and private organizations at the State and local levels led to the most accurate census in our Nation's history, as my good friend from Missouri just indicated.

The employees at the Census Bureau are to be commended for a job well done. Their tireless effort under difficult conditions will not soon be forgotten, and the importance of the census and the Census Bureau as we help celebrate through this meaningful resolution today their achievements, I think, has been pretty well punctuated, as our friend, the gentlewoman from Illinois, and the gentleman from California seem to find many, many nexuses on many, many issues of concern to them that directly bring us back to the census. So the Census Bureau should indeed be pleased that they provided so much information and so much fodder to so many to say so many things.

I want to thank the gentleman from Missouri (Mr. CLAY) for his support on this important resolution. I am proud to bring H. Con. Res. 339 before the House in honor of the dedicated and hard-working men and women throughout the history of the Census Bureau and the historic contribution made to our Nation.

Mr. REYES. I rise in support of H. Con. Res. 339, and to recognize the Census Bureau's current and past dedicated employees.

Of the eleven major statistical agencies in the federal government, the Census Bureau takes on the greatest task of all—the decennial census that is required by our Constitution.

The decennial census is the largest single activity undertaken by a statistical agency. The census if the managerial challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices, and temporarily hires almost half a million employees. Then comes the enormous task of tabulating hundreds of millions of pieces of information within 1 year.

In addition to this massive undertaking, employees at the Census Bureau work hard to collect and provide data from other agencies within the federal government. They provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments use federal data to comply with regulations and to plan for the future. Those who make all this data available deserve to be recognized, and this resolution does just that.

And as effective as the Census Bureau has been, as Chair of the Congressional Hispanic Caucus, I believe that there is still room for improvement to accurately count the Latino community. Last year we received the first results of Census 2000, which showed that the size of the Hispanic population in the United States had reached a record level of 35.3 million. Unfortunately, it has been estimated that the undercount among Hispanics may have been as high as 1.2 million. When your community is not accurately counted, we are precluded from receiving out fair share of federal financial resources, which exacerbates strains on local health, education and transportation infrastructures.

In addition to the undercount, Census 2000 did not accurately record subgroups within the Hispanic community. The number of Dominicans and Colombians in New York, for

example, was distorted because of the way the Census forms asked respondents to specify their Hispanic origin. On the Census 2000 form, while Hispanics who are not of Mexican, Puerto Rican or Cuban origin were given the option of listing their origin as ''other'' and naming the group, they were not provided with examples of what to list, as they had been on the Census 1990 form. This seemingly minor change in the form led many respondents to not fill in a country of origin at all. As the next census is designed, I hope that this problem will not occur again. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities.

As the Census Bureau begin its next 100 years of service to the United States, I hope that it will work seriously and earnestly to address the undercount of minorities. I urge the Census Bureau to re-examine its methods and procedures so that the accuracy of the decennial count can be improved. It should be everyone's goal that the Census reveal the entire picture of America.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Con. Res. 339, and to honor the Census Bureau and the thousand's of dedicated employees.

The employees of our federal statistical system labor day in and out to provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments used federal data to comply with regulations and to plan for the future. Few people stop to wonder how all of those numbers are out our finger tips at a moments notice.

There are eleven major statistical agencies in the federal government: the Bureau of Labor Statistics; the Bureau of Economic Statistics; the Bureau of Transportation Statistics; the U.S. Census Bureau; the National Center for Education Statistics; the Statistics of Income at the IRS; the Energy Information Agency; the Bureau of Justice Statistics; the National Agricultural Statistical Service and the Economic Research Service with the Department of Agriculture; and the National Center for Health Statistics. The Bureau of Labor Statistics and the U.S. Census Bureau are the two largest agencies when you exclude the decennial census.

The decennial census is the largest single activity undertaken by a statistical agency. The census is a management challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices. The agency goes from a staff of 7 to 10 thousand, to 500,000 and back again in a period of about three months. That means 500,000 people must be hired. Thousand more must be recruited and interviewed. In addition to hiring and training staff, the census requires the management of multiple contracts each of which is measured in the hundreds of millions of dollars. Then, of course, the data must be tabulated and prepared for the President—all within a year.

That would be a major accomplishment for any agency. However, that is only one of many census performed by the Census Bureau. Furthermore, censuses are not their only line of business. The Census Bureau collects data for a number of other agencies within the federal government.

To list all of the accomplishments of the employees at the Census Bureau would take more time that both sides have today. Suffice it to say, as a country we are fortunate to have a statistical agency staffed with professionals who produce daily, the information necessary to guide public policy. We salute those employees today as we celebrate the 100th anniversary of the Census Bureau.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 339.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 12, 2002.*

AGREEMENT BETWEEN UNITED STATES AND AUSTRALIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the Government of the United States of America and the Government of Australia on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement along with a paragraph-by-paragraph explanation of each provision. The Agreement was signed at Canberra on September 27, 2001.

The United States-Australia Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Australia Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Australia Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 12, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. THORNBERRY. Madam Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2175, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 365.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 365, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 275, nays 137, not voting 22, as follows:

[Roll No. 53]

YEAS—275

Abercrombie	Davis (CA)	Hastings (WA)
Ackerman	Davis (FL)	Hill
Allen	Davis, Tom	Hinchey
Andrews	DeFazio	Hobson
Armey	DeGette	Hoeffel
Baca	Delahunt	Holden
Baird	DeLauro	Holt
Baldacci	DeLay	Honda
Baldwin	Deutsch	Hooley
Becerra	Diaz-Balart	Houghton
Berkley	Dicks	Hoyer
Berman	Dingell	Hyde
Berry	Doggett	Inslee
Biggert	Dooley	Israel
Bishop	Doyle	Issa
Blumenauer	Dreier	Jackson (IL)
Boehlert	Dunn	Jefferson
Boehner	Edwards	John
Bonilla	Ehlers	Johnson (CT)
Bonior	Ehrlich	Johnson (IL)
Bono	Engel	Johnson, E. B.
Borski	English	Jones (OH)
Boswell	Etheridge	Kanjorski
Boucher	Evans	Kelly
Brady (PA)	Farr	Kennedy (MN)
Brown (FL)	Fattah	Kennedy (RI)
Brown (OH)	Filner	Kildee
Buyer	Fletcher	Kilpatrick
Calvert	Foley	Kind (WI)
Cannon	Ford	King (NY)
Capps	Fossella	Kirk
Capuano	Frank	Kleczka
Cardin	Frost	Knollenberg
Carson (OK)	Gephardt	Kolbe
Castle	Gibbons	Kucinich
Chabot	Gilchrest	LaFalce
Clay	Gillmor	Lampson
Clayton	Gilman	Langevin
Clyburn	Gonzalez	Lantos
Condit	Goss	Larsen (WA)
Conyers	Green (TX)	Larson (CT)
Costello	Green (WI)	Latham
Cox	Grucci	LaTourette
Coyne	Gutierrez	Leach
Cramer	Hall (OH)	Lee
Crowley	Harman	Levin
Cummings	Hart	Lewis (CA)
Cunningham	Hastings (FL)	Lewis (GA)
Lofgren	Otter	Sherman
Lucas (KY)	Owens	Simmons
Luther	Oxley	Simpson
Lynch	Pallone	Skeen
Maloney (CT)	Pascrell	Skelton
Maloney (NY)	Pastor	Slaughter
Markey	Paul	Smith (NJ)
Mascara	Payne	Smith (TX)
Matheson	Pelosi	Smith (WA)
Matsui	Petri	Snyder
McCarthy (MO)	Phelps	Solis
McCarthy (NY)	Pomeroy	Souder
McCollum	Portman	Spratt
McDermott	Price (NC)	Stark
McGovern	Pryce (OH)	Stenholm
McHugh	Quinn	Strickland
McIntyre	Radanovich	Sununu
McKeon	Rahall	Tanner
McKinney	Rangel	Tauscher
McNulty	Regula	Tauzin
Meehan	Reyes	Terry
Meek (FL)	Reynolds	Thomas
Meeks (NY)	Rivers	Thompson (CA)
Menendez	Rodriguez	Thornberry
Millender-McDonald	Roemer	Tiahrt
	Rogers (KY)	Tiberi
Miller, George	Ros-Lehtinen	Tierney
Mink	Ross	Towns
Mollohan	Rothman	Turner
Moore	Roybal-Allard	Udall (CO)
Moran (VA)	Rush	Udall (NM)
Morella	Ryan (WI)	Velazquez
Murtha	Sabo	Walsh
Nadler	Sanchez	Waters
Napolitano	Sanders	Watkins (OK)
Nethercutt	Sandlin	Watson (CA)
Ney	Sawyer	Watt (NC)
Northup	Schakowsky	Watts (OK)
Nussle	Schiff	Waxman
Oberstar	Scott	Weller
Obey	Sensenbrenner	Wilson (NM)
Olver	Serrano	Woolsey
Osborne	Shaw	Wu
Ose	Shays	Wynn

NAYS—137

Aderholt	Goodlatte	Pitts
Akin	Gordon	Platts
Bachus	Graham	Pombo
Baker	Granger	Putnam
Ballenger	Graves	Ramstad
Barcia	Greenwood	Rehberg
Barr	Gutknecht	Riley
Bartlett	Hall (TX)	Rogers (MI)
Bass	Hansen	Rohrabacher
Bereuter	Hayes	Roukema
Bilirakis	Hayworth	Royce
Blunt	Hefley	Ryun (KS)
Boozman	Herger	Saxton
Boyd	Hilliard	Schaffer
Brady (TX)	Hoekstra	Schrock
Brown (SC)	Horn	Sessions
Bryant	Hostettler	Shadegg
Burr	Hulshof	Sherwood
Callahan	Hunter	Shimkus
Camp	Isakson	Shows
Cantor	Istook	Shuster
Capito	Jenkins	Smith (MI)
Chambliss	Jones (NC)	Stearns
Clement	Kaptur	Stump
Coble	Keller	Stupak
Collins	Kerns	Sullivan
Combest	Kingston	Tancredo
Cooksey	LaHood	Taylor (MS)
Crane	Lewis (KY)	Taylor (NC)
Crenshaw	Linder	Thune
Cubin	LoBiondo	Thurman
Culberson	Lucas (OK)	Toomey
Davis, Jo Ann	Manzullo	Upton
Deal	McCrery	Visclosky
DeMint	McInnis	Vitter
Duncan	Mica	Walden
Emerson	Miller, Dan	Wamp
Everett	Miller, Gary	Weldon (FL)
Ferguson	Miller, Jeff	Weldon (PA)
Flake	Moran (KS)	Whitfield
Forbes	Myrick	Wicker
Frelinghuysen	Norwood	Wilson (SC)
Gallegly	Pence	Wolf
Ganske	Peterson (MN)	Young (AK)
Gekas	Peterson (PA)	Young (FL)
Goode	Pickering	

NOT VOTING—22

Barrett	Carson (IN)	Hinojosa
Barton	Davis (IL)	Jackson-Lee (TX)
Bentsen	Doolittle	
Blagojevich	Eshoo	Johnson, Sam
Burton	Hilleary	Lipinski
Lowey	Sweeney	Weiner
Neal	Thompson (MS)	Wexler
Ortiz	Traficant	

□ 1858

Messrs. SULLIVAN, SAXTON, LINDER, BURR of North Carolina, WICKER, BASS, CAMP and CRENSHAW changed their vote from ''yea'' to ''nay.''

Messrs. JEFFERSON, GIBBONS and MASCARA and Ms. SLAUGHTER changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3215

Mr. GIBBONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3215.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Nevada?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALUTING A HERO: PETTY OFFICER FIRST CLASS NEIL C. ROBERTS, USN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Mr. Speaker, I rise today torn by two emotions: proud of the way that U.S. Navy SEAL Neil Roberts served our country and saddened by his loss in the line of duty.

Petty Officer First Class Neil Roberts grew up in Woodland, California, which I am privileged to represent. One of 11 children in the Roberts family, Neil graduated from Woodland High in 1987 and joined the U.S. Navy that September.

Neal served with distinction in the U.S. Navy, first assigned to the Navy Air Reconnaissance Squadron and then joining the elite Navy SEAL team. He served in the Navy with distinction, earning two Navy and Marine Corps Achievement Medals, three Good Conduct Medals, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, five Sea Service Deployment Medals, the NATO Medal, three Southwest Asia Service Medals, the Battle ''E'', his Rifle Marksmanship Medal, his Pistol Expert Medal, the Armed Forces Service Medal, and the National Defense Award. This is truly a record to be proud of.

This year, Petty Officer Roberts was part of Operation Anaconda in eastern Afghanistan. This operation is aimed at containing and eliminating the al Qaeda and Taliban forces still fighting against the newly established democracy, against American troops, and against allied forces in the region. Petty Officer First Class Neil Roberts was there to answer the call and he made the ultimate sacrifice.

Our thoughts and prayers go out to Neal's wife, Patricia, and their 18-month-old son; to Neal's mother, Janet; and to the rest of his family and friends. I hope it will comfort them to know that a nation mourns with them and that Neil made us all proud.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RELEVANT ISSUES TO COLORADO AND OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I look forward to spending a little time with my colleagues this evening. There are a number of different issues I would like to talk about. But first of all, I want to mention a fine young man from Grand Junction, Colorado, Ryan Patterson. Ryan was just selected on Monday of this week as the best young scientist in the world. What Ryan did is, first of all, he has won several contests, scientific contests. He is a very, very gifted young man. He was back here, he racked up another $100,000 in scholarships and is being recognized here.

Let me just go through a couple of things. Prior to Monday, he won $192,000 in scholarships, about $16,000 in cash, two laptop computers, two trips to Sweden to attend the Nobel Peace Prize ceremonies. Throughout all of his achievements, he has obviously maintained his modesty. What Ryan did is came up with a glove, a glove-type of apparatus that can take sign languages, as they work sign language with the finger, and it instantaneously puts it into the written word in a little computer screen. So someone who only knows sign language or who has some other type of handicap and their primary language is sign language can actually go to a McDonald's restaurant or some restaurant, hold the little screen there and put it out instantly, instantly on to that screen.

This is a young man still in high school; he is a senior in high school. I am awful proud of him. Obviously, he is from my district, Grand Junction. But the achievements and the recognitions he has received this last year probably top any other student in the country in the scientific field and, obviously, in the latest recognition he was seen as the youngest and best scientist in the world for his age. So Ryan, congratulations.

I was going to speak and still intend to speak on some water issues. As my colleagues know, the district that I represent is in the State of Colorado. The State of Colorado is the highest point not only in the United States, but also the highest point on the continent. So I am going to speak a little about Colorado, the dynamics of our snowfall up there, some of the land, the dynamics of the land and the situation facing Colorado, facing all of the States. There are many States that depend on the State of Colorado. I will talk about the geographical nature, a number of different things that I want to visit with on Colorado, but that is going to come later.

Today, I just pulled this off the computer, and I am amazed: ''Lawmakers doubt the need for a missile defense plan.'' As my colleagues know, I spend a great deal of time on this House floor talking about the absolute necessity for this Nation to have a missile defense. It is unbelievable to most of the citizens that I represent that this country, the United States of America, has no capability, zero capability, zero capability to stop an incoming missile into this country.

Now, we have lots of capability to determine that a missile has been fired against this country. In fact, the primary location of that headquarters is in Colorado, NORAD, Cheyenne Mountain, Colorado Springs. We can, within seconds, determine anywhere in the world that a missile has been launched. We can within seconds of those seconds determine where the destination of the missile is, what type of missile it probably is, what kind of warhead it is probably carrying, the estimated time of arrival. Beyond that, as far as preventing the horrible destruction that it could wreak, the havoc that it could wreak on the country that it is directed towards, the United States cannot do anything. Fortunately, our President and this administration, as have some previous administrations, have made a very dedicated effort towards providing this country with a national security blanket for some type of defense against a threat by enemy missiles.

Now, I am amazed to read that some of my colleagues today in a committee hearing act as if a missile threat does not exist out there. Where were they a couple of days after September 11? Can my colleagues recall what happened on September 11? We know September 11. Can my colleagues recall what happened a few days shortly after September 11? Think about it. Think about a missile, what happened with a missile. Do we remember what happened with that missile? A missile was accidentally fired in the Black Sea by the Ukrainian Navy by accident. Guess what that missile hit? It hit an airliner and it blew the airliner out of the sky.

Now, the horrible, horrible events of September 11 overshadowed this tragedy. The only reason I bring this tragedy back up to the House floor is there is a perfect example of a missile that was not intended, they did not intend to shoot down a commercial airliner, there was no intent to do that. That missile was targeted at that airliner by accident. Once that missile was launched off its ship, there was no way to stop it.

Some people think that the only missile threat to the United States of America is an intentional missile launch against this country. Wake up, folks. I am telling my colleagues that there is another threat out there. It is called an accidental launch against this country. Think of Russia, how many nuclear warheaded missiles they have in that land. It is possible. In fact, it is pretty possible that at some point in the future, one of these ballistic missiles may be, totally innocently and by mistake, could be fired by one nation against another nation. I hope that our country has in place a defensive mechanism that could stop the horrible, horrible events that could follow an accidental launch of a missile. I will talk about intentional firings here in just a minute.

But every peace activist in the world ought to be the biggest cheer leaders out there for a missile defense system. What would the United States do if, for example, a sequence of missiles fired by mistake were launched out of Russia against a major city in the United States of America? If the United States could stop those missiles before they did any damage, it is something that could be worked out at the bargaining table. But if the United States does not have, and some of my colleagues would wish upon the United States that we not have a missile defensive system, if we did not have a way to stop those, what would our response be if our Nation was hit by several simultaneous missiles from another country, and that country says, wait a minute, do not retaliate. We did it by accident, and we are sorry we wiped out four or five of your cities. We did it by accident. That is why I say peace activists. Let me tell my colleagues, it is a lot easier to sit down at a bargaining table if we were able to stop the incoming bullet than it is after we look around and see our colleagues dead and our cities destroyed.

Now, let me read a couple of quotes. Let me say that I am not going to use the names of the colleagues that these

quotes are attributed to, because I am not sure of the accuracy of these quotes, outside of the AP wire that I pulled it off of this evening. But let me say one of my colleagues says this: ''Why would someone send a missile when they can just put it in a suitcase?'' Well, my friend, my colleague, the fact is they can perhaps, we are not convinced of it, but they can, perhaps, put it in a suitcase, and we ought to prepare for that. But because they might put it in a suitcase does not mean they will not put it in a missile. I can tell my colleague right now that there are a lot more ballistic missiles with nuclear warheads sitting on them aimed at the United States than there are nuclear suitcases being carried around. Only because, frankly, they do not have the technology in a lot of countries to get their hands on a so-called nuclear suitcase. I can tell my colleagues that one ballistic nuclear missile makes that suitcase look like an amateur's program.

These nuclear missile heads can destroy entire cities. They can launch countries into war. We better prepare for those. I can remember Margaret Thatcher at the World Economic Forum, Beaver Creek, Colorado, 3 years ago. I cannot quote her exactly, but I can remember the quote pretty closely. She stood up and she looked at our Secretary of Defense, Bill Cohen at the time, under the Clinton administration, and her words were similar to this: she says, Mr. Secretary, Mr. Secretary, your Nation has a fundamental and fiduciary responsibility to provide its citizens with a missile defense system. Failure to do so would be pure neglect and would shirk your responsibility as a leader of this country.

□ 1915

Now, that is pretty close to what Margaret Thatcher said, and that is right on point. Do not let some of my colleagues here be naysayers and say, well, it costs too much to defend ourselves. The fact is, we had better do something about these nuclear missiles. Do not try to convince our constituents that they do not exist, or that one is not going to be launched against the United States of America or one of our allies. We have the technology. We are almost there.

Sure, it seems like a huge challenge right now. But what do Members think the airplanes seemed like to the Wright brothers? What did it seem like when they wanted to fire a weapon through a propeller on one of our fighter planes, when they were doing that? Look at all the technology. It is all a challenge.

There were a lot of people who said it was impossible when they first did it, but we are talking about the future of this Nation, the security of our citizens. We have an absolute obligation, we have an inherent responsibility, to provide a security blanket for this country and for our allies.

Let me go on. This is a quote, again, from my colleague. And again, let me say that this is from the AP wire, so I am not sure of its accuracy. That is why I am not mentioning which colleague said this. But if it is accurate, I will not hesitate next time I am up here to use the gentleman's name.

It is inexcusable for this administration not to recognize that possibility and act on it. Speaking of this, why would somebody send a missile, instead of just putting it in a suitcase? One of the reasons they might is because they have one. There are a lot of countries in this world that have missiles. Let me show a poster.

My poster: Ballistic Missile Proliferation. Look at this: Countries Possessing Ballistic Missiles. To my colleague who asked the question, Why would someone send a missile when they can just put it in a suitcase, well, maybe some of these countries here who do not have missiles would not send a missile. But look at these countries that have missiles. The reason they would send the missiles is because they have them. They have the capability. They have the accuracy of these missiles. Unfortunately, several of these countries have nuclear capability, nuclear warheads on the tops of those missiles.

The day of wishing that there were not missiles out there aimed at the United States has long since passed. Wake up. The reality of it is, the United States is going to be a target. It was a target on September 11, it was a target in 1941, and it is going to be a target in the future. We are the leaders of this country. We are the ones who are charged with some kind of capability to look forward into the future and say, All right, what do we see as future threats against this Nation?

One clue might be if Members have a map that looks like this, that has all of these countries in purple with missiles, one might kind of draw a conclusion, hey, in the future, one of the threats against our Nation is going to be a missile, a missile coming in, an incoming missile.

As I said not many days after September 11, do not forget, that is exactly what happened. A missile was not fired at a U.S. commercial aircraft, but it was fired at a commercial airplane and it blew it out of the sky. This is by the Ukrainian navy. This is not exactly the most sophisticated navy in the world. This is not a country that is known for its military might. Yet, they are able to have the accuracy to fire a missile from a moving ship being rocked in the sea, fire that missile up and hit a small airliner in the sky and blow it to smithereens.

We need to see these future threats. Those threats exist today; those threats exist in the future. We have a fundamental responsibility to address these threats.

Let us talk about this. Here is what the missiles look like. That is the proliferation of missiles in this world. Imagine what it is going to look like in 10 years. How many of these white spots here are going to have ballistic missile capability?

Now let us look at the next poster. Nuclear proliferation. Look at this: Countries possessing nuclear weapons: Britain, China, France, Pakistan, India, Israel, Russia. Look over here: Of concern, we think Iran probably has nuclear capability. We think Iraq probably has nuclear capability. I am confident that North Korea has nuclear capability. Libya, I do not know; that one might be questionable.

Members are saying to me that there is some question whether or not we need a missile defense when this many nations in the world have missile capability and have nuclear capability combined. Let me go on with a quote further. Again, the accuracy of this quote, I am depending on the AP press release. It came out of a committee hearing, apparently, by some of my colleagues.

Here is one of my colleagues. By the way, he is a Democrat. The only reason I point out that my colleague is a Democrat is, come on, this is not a partisan issue. Do not just attack Bush on missile defense because he is a Republican. Put the partisanship aside. This is a threat to every one of us. Remember, these missiles are not going to discriminate between Republicans and Democrats. This is a bipartisan issue. Do not just attack the administration simply for political convenience.

Listen to what this colleague of mine says: ''We can't afford to waste billions of dollars because of the Bush administration's theological fascination with missile defense.'' Now, this is the most ludicrous, ill-informed statement I have heard from any of my colleagues in my entire tenure in the United States Congress. This colleague of ours says, ''No threat assessment exists to justify the spending.''

My colleague is not on the floor this evening to hear this. I wish he was. I wish he could come up here and discuss this with me, ''No threat exists today to justify it;'' not nuclear proliferation, not ballistic missile proliferation, not any of these countries over here to my left that have ballistic missile capabilities. In my colleague's opinion, none of this justifies, none of this justifies a missile defense security blanket for this country.

Let me go on and read some other things. ''The administration's comments followed news reports on its new nuclear posture review.'' By the way, every administration does this. It says, ''The Pentagon is developing contingency plans for using nuclear weapons against countries developing weapons of mass destruction.''

Let me ask my colleague, what are they going to do about a country like Iraq? Iraq poisoned its own people. They went out, and Saddam Hussein poisoned his own people in an attack against the Kurds. Do we think this guy is going to go to church with us on Sunday, or over to the temple or wherever? This is a very sick individual who

may very well have weapons of mass destruction and is on a fast, mad race to accumulate as many weapons of mass destruction as he can get his hands on. How else are we going to address this?

Do Members think they can trust this guy? Look at the history of Saddam Hussein. How many years did the United States deal with him on inspections? How often were the inspectors stopped at the gates, the inspectors? The United Nations finally threw their arms up in the air. They said, We cannot do it. We cannot get our inspections done. Why? Because this individual, Saddam Hussein of Iraq, has no intention of stopping their pursuit for weapons of mass destruction. That is a threat to the United States of America, and these weapons of mass destruction involve not only nuclear weapons, but ballistic missiles fired at the appropriate location.

For example, take a look at North Korea and South Korea. North Korea does not need a nuclear missile to wreak havoc on South Korea. All they need to do is fire a couple of missiles, I think, 35 miles away and they can hit the city of Seoul; ballistic missiles, not nuclear warheads. What do Members think would happen to a city with a population of 20 million people if a few missiles hit one morning? What kind of panic would happen? Those are threats. Those are viable threats.

The only way in the long run to provide some type of defense against these missiles is to build ourselves a security blanket. If we have a system that will stop an incoming missile, and the technology is there, or will be there, if we have that, it makes those missiles and it makes a lot of these countries' capabilities to strike not only at the United States less, but it also diminishes or eliminates their capability to strike at other countries in this world.

We are being completely naive. We are refusing, maybe because we are afraid to, and I am speaking of some of my colleagues, we are refusing to confront the reality that we are not loved by everybody in this world. There are a lot of nations that would love to see the United States fail and be a nation destroyed. There are a lot of nations that, once they get the capability, if we do not have the capability, one, to retaliate, or two, to defend ourselves, they will not hesitate. They will not hesitate to take what steps are necessary to destroy the United States, for all historical purposes.

How can we sit by idly and criticize the President, a President who realizes this, who has had the guts to step forward and say that we are going to confront it? No Chicken Little here. We have to face up to this fact.

It is kind of like discovering cancer on oneself. We say, look, if I do not confront it, do not irritate it, maybe it will not spread. Yes, right. Do Members know what that cancer is going to do? It is going to spread. Do Members think it will stop because we hope it will not go any further; because we think by not confronting it, by not cutting it off, by not taking radiation or chemotherapy that it is going to stop; that it is going to stop because you are a great person? Do Members think it discriminates because of its victims?

Just as deadly as cancer are some of these countries and people out there who are developing these weapons of mass destruction. Take a look at what they do. What is the number one country they trash? What is the number one country? They take their children as soon as they can learn and they teach them to hate the United States of America. Yet, we have Congressmen of the United States of America willing to say that, Gee, there is no threat assessment that exists to justify spending money for a missile defense system.

I think Colin Powell said it best this weekend: One of the reasons for a nuclear policy, one of the reasons they called those missiles peacekeeping missiles, is because, and I am quoting Colin Powell, ''We think it is best for any potential adversary to have uncertainty in his or her calculus.'' We want people out there to know that if they decide to fire one of these ballistic missiles against the United States of America, if they decide to launch a September 11 attack against the United States of America, they are going to have in the back of their minds what type of retaliation this will bring upon them.

□ 1930

Let me summarize what I have been saying here for the last 15 or 20 minutes.

I was surprised today to pick up an AP wire entitled Lawmakers Doubt the Need for a Missile Defense System for This Country.'' That is naivete at its height. That is a remark based on kind of a shot from the hip, a reactionary remark.

Think about the kind of threat that this country faces. It is not imaginary. We know that missiles have been launched by countries, including our own country, by mistake. Missiles are very lethal weapons and we add on top of the missile the leadership of a country that is politically unstable; we add on top of the missile a missile system that is not adequate, does not have adequate safeguards and could be fired by accident; we had on a missile, put on top of the missile itself a nuclear warhead; we continue to see the ballistic missile proliferation spread around the world, and then our colleague has the audacity to sit up and tell the rest of their colleagues that we should not be building a missile defense system, or as I quote, we cannot afford to waste billions of dollars because no threat assessment exists to justify the spending. No threat assessment exists to justify this spending. The threat not only is out there, it exists in a very threatening mode, and I am telling my colleagues the consequences.

Do I think it is going to happen tomorrow? I hope not. Do I think a lot of countries are all of the sudden going to fire random missiles against the United States of America? No. But do I think countries throughout have that capability? There is no doubt they do. Do I think there are countries out there who are not friendly to the United States of America who, in fact, have made throughout their history open resentment towards the United States of America, had the capability and possessed missiles that could wreak destruction upon the United States of America today if they desire? The answer is yes.

One of my colleagues, and I said earlier, one of my colleagues, and let me quote that colleague, ''Why would someone send a missile when they can just put it in a suitcase?'' The reason they would send the missile is because they had the missile. They have got the capability to wreak destruction with these missiles, and the other reason they would launch a missile is because they know the United States of America cannot defend itself against an incoming missile.

What President Bush has done, Vice President DICK CHENEY, Donald Rumsfeld, Condoleezza Rice, Colin Powell, what this administration has done is not run from it, not pretend that the threat does not exist; but they have confronted it, and they have said to the world, and many of our allies, by the way, have joined in this statement, they have said to the world, the United States of America no longer intends to go into the future without a defense mechanism to protect its citizens and the citizens of our allies and our friends from a rogue nation firing a missile against us.

It is unbelievable to me, unacceptable and frankly a violation of a fundamental obligation for any one of us on this floor to stand up and say that a missile threat does not exist against the United States of America in such a way that would justify us defending against it with a missile defensive system. That is stupidity, stupidity not referring to my particular colleague and his personality, but stupidity in the thought that by simply putting shades over your eyes, that the missile threat against the United States of America will just disappear. It makes as much sense as closing your eyes to cancer on your body and saying if I pretend it is not there or if I simply acknowledge that it is there and ignore it, saying that it does not justify me going to the doctor to see about this cancer, it will go away on its own. It will only grow, and it will only become more deadly and more threatening to a person's very existence; and the same thing happens here.

Every one of us, whether Republican, whether Democrat, regardless of party affiliation, September 11 was a wake-up call for all of us and not just in the United States. September 11 was a wake-up call for the world. There are

evil people out there who do not care who their victims are. It has been said 10 million times if it has been said once, the victims on September 11, they were not white Anglo, they were not U.S. citizens, restricted to those. They were every nationality, 80 different countries, all kinds of ethnic backgrounds. It did not matter. It was a son or daughter, mother or father, sister or brother.

It did not matter to these people who did not care, and some of my colleagues who think that some of these evil people will care and will not launch a ballistic missile, and let me tell my colleagues they have got them out there, there are countries out there, will not launch some type of harmful missile against this country is naive. It is going to happen. It is going to happen at some point in time.

The people who have made these remarks, if, in fact, they are accurate, I want my colleagues to put this in a little time keeper, and remember a few years from now, God forbid this ever happens to our country, but if it happens, I want my colleagues to remember the position they took in the U.S. House of Representatives with the statement, no threat assessment exists to justify the spending to build a ballistic missile system to protect our country.

Let me wrap it up by telling my colleagues, we do not stand alone in the world. In fact, I think it is safe to say that every country in the world that could get their hands on a missile defense system mechanism would deploy it. Why? It only makes sense. It is like getting a bulletproof vest. The other side may complain. Maybe the criminal is going to complain because the police officer gets the advantage of a bulletproof vest, but if the criminal had the opportunity they would put them on, too. Why? Because it gives them an advantage.

We have a lot of nations in this world that support the United States of America in building a missile defense system. We are in partnership with Canada. The Brits are supportive. The Italians are supportive. And I can guarantee my colleagues, once we get the technology mastered, there will be a lot of nations knocking on our door saying, hey, do you mind if we had that missile defense system; do you mind if we provide a security system for our citizens.

So I urge my colleagues to reconsider some of the statements they have made today in opposition to a missile defense system, and frankly, get ready for it. My colleagues can jump up and down all they want for media attention, for partisanship advantage; but the fact is, this administration will do what is necessary to protect the citizens of this country with the security blanket for a missile defense. It is a critical and fundamental obligation that we have to not only our generation but future generations.

Mr. Speaker, I am going to shift my comments pretty dramatically here. I was not going to speak about missile defense this evening because, frankly, I have had several discussions on the House floor here with my colleagues about that; but after I read those remarks today, I could not resist it. I mean, I felt fire in my belly to come up here to the House floor and talk about that.

Now I want to move towards more the direction I had planned all week to come tonight and the comments I wanted to make.

Let me start out as I said at the beginning of my comments, colleagues. My district's in the State of Colorado. For those of my colleagues that do not know, Colorado is the only State in the Union where all of its water runs out of the State. We have no water that comes into the State of Colorado for our use. All of our water goes out of the State, and Colorado's a very unique State in its geographical makeup and frankly in its geographical location and its elevation.

It is the highest point on the continent. In our area, for example, I think there are 64 mountains in the United States, including Alaska, I think 64 mountains that are over 14,000 feet, 64 of them. Fifty-six of those 64 mountains are located in the State of Colorado, 79 percent of the Nation's 14,000 foot peaks, and over 600 peaks at 13,000 feet. We have over 1,000 mountain peaks over 10,000 feet. The average elevation in the State of Colorado is 6,800 feet. That is a thousand feet over a mile. Well over a mile is the average elevation in the State of Colorado.

Take a look at the lowest point in the State of Colorado. It is about 3,400 feet. That is about the lowest point in Colorado. The difference between our lowest points and our highest points are 11,000 or 12,000 feet. So just as a result of the elevation alone, we have got dramatic weather; we have got dynamics that do not happen in other States.

The State of Colorado is a critical State for a number of different reasons, but first of all, look at what we find within the boundaries of the four corners. First of all, we find the plains. A lot of people think that Colorado's just a mountain State, that it is the State of mountains; but half of the State of Colorado are the plains, and when we look at Colorado, and I will just use my pointer here. To my left I have a better map of Colorado, but when we get on the very western edge, we actually have the desert plateaus. On the eastern side of the State of Colorado we have the plains, and then of course in between the desert plateaus and the plains we have the Colorado Rockies and some other mountains, not just the Rockies.

To give my colleagues an idea of the land mass of it, it is about the eighth largest State in the Nation. I guess it is number eight. It has got four major parks that are without trees. There may be a couple of trees but generally without trees, north park, south park, places like that.

Colorado's a very unique State and one of our most important assets in the State of Colorado is snow. Colorado's a very arid State. It does not get much rain. We cannot depend on our rainfall for our moisture. We have to depend on our winter snows. This year, for example, we have a lot to be concerned about because our winter snowfall is significantly below average. Now, not only Colorado that is dependent upon the snow fall in Colorado, but many, many States in the Union, well above 25 States in the Union, are also dependent for their water upon the snow fall in the high mountain peaks of the State of Colorado; and we not only depend on the snow fall in Colorado for our water, but we also depend on it for our economic well-being.

Our ski areas, as my colleagues know, Colorado probably has the finest ski areas in the United States. Certainly known throughout the world for skiing in Colorado because of its elevation, because of the light, dry snow. So snow is a critical factor out there in our mountain region.

Before I move much further, I want to give a little history. I have reviewed this history before, but it is important to remember Colorado is a State that is unique. On the western side we have the mountains and the eastern side we have the plains, generally speaking; and Colorado really is almost like two States. I am not suggesting it is two States or that it should become two States; but the dynamics in public ownership, public lands, where the forest lands are, where the Bureau of Land Management is, where the mountains are, one part of the State is water provider. The other part of the State is a water user.

There are lots of different dynamics that play within its boundaries for Colorado, but first of all, I thought we ought to look at the dynamics of the continental United States and where the West fits in, why life in the West is a little different than life in the east, why the water issues in the West for example are entirely different in many cases than the water issues in the East.

In many places in the eastern United States, the problem is getting rid of water. In the West, the problem is storing the water. In fact, if we drew a line down through Kansas and Missouri kind of like this, that portion of the United States gets about 73 percent of the water. If we took a look at the mountain region here, which is about half of the United States geographically, it only gets about 14 percent of the water.

□ 1945

When the good Lord created this continent of ours, for some reason there was not even distribution of the water. So water becomes a critical factor.

Now, let us take a look and kind of go back in time, go back in history, when our country was first being settled. The real comfort, and where most of the people lived, was on the East

Coast, over here to my left. And the West, really, if you went very deep into Virginia, you were considered in the West. There was not much settlement at all, except for the Native Americans, of course, and the Mexicans. This was the nation of Mexico here. We actually had France and a number of others, but I think my colleagues understand what I am saying.

The population of the United States in our early days was on the East Coast, and our leaders wanted to expand the United States of America. They wanted to make it a great country and they wanted to conquer and obtain as much land as they could. But in those days when the land was purchased, it did not mean much. Title to the lands did not mean much. What was important was who possessed the land. And to possess the land, you really needed to be on it with a six-shooter strapped on your side.

So as this young country began to grow and we began to expand to the West, our leaders said, Well, how do we encourage people to move from the comfort of their homes on the East Coast into the inner part of the country, into this new land we bought? How do we get them to possess it? And the idea they came up with was, Well, let us give away land, like we did in the Revolutionary War. Believe it or not, in the Revolutionary War is when we first had other land grants in this country. We would give land or offer land to British soldiers who would defect and come to our side. We would give them free land.

After all, our leaders correctly assessed that every person's dream, or most every person's dream was to own a piece of their own property, to build a home, to farm. Back then in the early days of our country, 99 percent of our population was involved in agriculture. So to be able to cultivate your own fields, to have your own wheat, your own cow, your goats, et cetera, et cetera, was everyone's dream. So they decided to offer land to encourage people to settle in the West. People would go out there, live on it, and they would be given 160 acres, or 320 acres, depending on the program they were involved in.

Well, that worked pretty successfully, except for one region of the country, and that region is depicted by the colors on this map to my left. You can see some of these States have very, very little Federal lands. In the East the only real big blocks of Federal lands are down there in the Everglades, the Appalachians, and a little up here in the Northeast. In a lot of States, when you talk about public lands, people think you are talking about the courthouse. That is because the government was able to successfully turn this land over to private ownership by encouraging people to go out and settle the land.

Well, the problem was that as soon as they hit the Rocky Mountains, and take a look at the State of Colorado, right here, right where the white hits the color on this map in the State of Colorado is exactly where the mountains start. And what happened is, when the settlers began to hit the mountains, they discovered 160 acres would not even feed a cow. In eastern Colorado, again referring to my map and going over here to my left, in eastern Colorado, 160 acres could support a family. In Nebraska and in Kansas you could support families there. But as soon as you hit those mountains, boy, the dynamics changed pretty dramatically.

So they went back to Washington and they said, What do we do? We are not getting people to live in the mountains. They are not possessing the land so that we can lay claim to the land. Although we bought the lands, our Nation says we need people to be up there.

What happened was, they had discussions here in the Nation's Capital and they thought perhaps what they should do is give them an equivalent amount of land. If they gave 160 acres in eastern Colorado or in Nebraska, take what they can grow on that and see how many acres in the mountains it would take, and maybe give them 3,000 acres.

Well, what happened was that at the time they were making a lot of these land grants, the railroads had already been given large amounts of land and there was political pressure not to give any more government lands away. So the government, our leaders in Washington, D.C., consciously decided to hold the land in the government's name for formality purposes, but to let the people go out into the West and use it for multiple uses. A land of many uses. Those are enchanted words for us in the West. That is what we grew up under.

In my particular congressional district, which geographically is larger than the State of Florida, every community in my district, except one, every community in my district, which is about 120, 119 communities, is completely surrounded by government lands. We are totally, not partially, not just a fraction, but totally and completely dependent upon government lands for our water, for our highways, for our utility lines, for our telephones, for our agriculture, for our recreation, for our environmental needs, for our enjoyment, for our own open space. All of those are completely dependent upon public lands, and that is the major difference between the West and the East.

So I oftentimes find myself listening to some of my eastern colleagues, for whom I have great respect, talking about but not really understanding why we are so sensitive in the West when people in the East say, Well, let us just take this land out of bounds, let us get the people off this land, let us limit multiple use. Clearly, we have to manage these government lands, but we have an entire part of our Nation's population that live amongst those government lands and live on those government lands. And before we make decisions here, we need to understand that. My colleagues need to put themselves in the same kind of living situation, in other words, completely surrounded by government lands as we are in the West. So that is the clear distinction between the West and the East.

As we move further, and now that we have a little description, let us move back to the State of Colorado and let me pull this other poster up here quickly. Now, this poster is a little cluttered, but I think I can go through parts of it. First of all, because Colorado has an average elevation of about 6,800 feet, because it is the highest point in the continent, obviously we are going to have a lot of water that runs off when that snow melts.

Now, in Colorado, we have all the water we need for about a 60-to-90-day period of time, and that is actually beginning as we speak. It is called the spring runoff. Colorado is known as the State of the Rivers, the Mother River State, because we have five major rivers that have their headwaters in our State. But as the snow begins to melt, the water available diminishes dramatically. For example, we supply water not only for other States, but we even supply water for the country of Mexico.

Here in the State of Colorado, this bright yellow section, basically, are the public lands of Colorado. That is what the public lands look like. All the rivers, all the headwaters are up here in the high mountains, and they run all directions out of the State of Colorado, as the mother rivers. Let me give a couple of the rivers. We have the Arkansas River, the Rio Grande, the South Platte River, the Colorado River, and so on.

Now, what I hope to do, what I wanted to do tonight, and I intended to get a little further in my comments than I have, but I wanted us to visit a lot about that missile defense system, so we did not get quite through the series that I wanted to this evening, more specifically, on water coming out of those mountains, and what the salinity issues are, what the dilution issues are, what the multiple use issues are, what the water storage issues are, what are the hydropower issues, and why is it critical that we have a good understanding all across this country of multiple use on public lands? What does it mean not to divert any water?

So these are issues that I kind of wanted to just tempt you with a little this evening. Now, I intend to continue my comments next week in much more depth on the dynamics of the high mountains, on the San Juans down in the southwestern part of the State, on the below-average snowfall that they have had this year and what the consequences of that is to fellow, down-river States; what down-river really means; what the wilderness areas are and what kind of impact the wilderness areas have; the government lands, the range management.

There are lots and lots and lots of issues that face us high in the Rocky Mountains that are unique to the mountains or unique to the West, not found very often in the East, in fact, in some States not found at all.

So I look forward next week to discussing these issues with my colleagues.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2146, TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules, submitted a privileged report (Rept. No. 107–374) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2002

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules submitted a privileged report (Rept. No. 107–375) on the resolution (H. Res. 367) providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say in the beginning that myself and other Democrats over the last week, and certainly over the next few weeks, will take to the floor repeatedly to bring up the issue of the Social Security trust fund, and our concern that the President and the Republican leadership in the House are very determined to push for changes in Social Security that would lead to privatization, and at the same time, the budget that the Republican leadership will bring up to the floor, I understand it will be coming up as early as next week, unfortunately goes into deficit and effectively spends the Social Security trust fund, once again, we have not had this for a couple of years, in order to pay for current expenses.

The Republican proposal to privatize Social Security, as well as the proposal to spend the Social Security trust fund for basically ongoing government operations unrelated to a retirement benefit, both of these proposals by the Republican leadership in the House and by the President, will undermine Social Security and make it more difficult for Social Security to remain solvent, and basically shorten the time before we face a crisis in Social Security when benefits will be cut or will no longer be available.

That is the concern that I and other Democrats have, and we will be speaking out against it because we believe very strongly that none of these things should happen, that we should not privatize Social Security and that we should not be spending the Social Security trust fund to pay for ongoing expenses.

Let me start, Mr. Speaker, by pointing out that Social Security is probably the most successful social program the Federal Government has ever implemented. It provides an unparalleled safety net for the vast majority of America's seniors. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income. And for these reasons, and a great many others, we must do everything in our power to protect and strengthen the existing Social Security program for the short and the long term.

Mr. Speaker, I gathered some information that gives us some idea about the importance of the Social Security program and also how successful it is, how unique it is, and I wanted to go through a little of that, if I could, in a little detail, not a great deal of detail.

Why is Social Security important? As I said, it is the single largest source of retirement income in the United States. For six in ten seniors, Social Security provides half or more of their total income. Among elderly widows, Social Security provides nearly three-quarters of their income, on average. And four in ten widows rely on Social Security to provide 90 percent or more of their income.

But it is not just a retirement income program. About 30 percent of Social Security beneficiaries receive disability or survivor benefits. We tend to forget that. We tend to think it is only a program for seniors. For a 27-year-old worker with a spouse and two children, Social Security provides the equivalent of a $403,000 life insurance policy or a $353,000 disability insurance policy. The vast majority of workers would be unable to obtain similar coverage through the private market.

Social Security is also family insurance. It provides benefits for elderly widows and young parents who have lost a spouse. It provides a dependable monthly income to children who have lost a parent to death or disability. It even pays benefits to those who become severely disabled as children and remain dependent, as adults, on a parent who receives Social Security.

Now, a lot of people, and I find this to be often true about some of my Republican colleagues, they will say, Well, Social Security is just another government program, it is a waste of money, it is not administered well. We hear these kinds of criticisms. The reality is very different. There is no government program that is more successful than Social Security.

□ 2000

It is the single most effective antipoverty program. Its benefits lift over 11 million seniors out of poverty. Thanks to Social Security, the poverty rate of elderly persons is only 8 percent. Without it, nearly half of retirees would live in poverty. That was the case before we set it up. More than half of the people over 65 lived in poverty before Social Security came on board.

Over the course of its 67-year history, Congress has prudently managed the Social Security program. Each year the Social Security board of trustees issues a report showing short-range and long-range 75-year projections of the income and costs of the system. Congress uses these projections to balance the promise to pay future benefits against workers' desire and ability to pay for them, and it has adjusted the program periodically in light of changing economic and demographic conditions. So we have had to change it, but we have always changed it in a positive way.

Finally, I would stress that Social Security is administered very efficiently. Only one penny of every dollar Social Security spends is for administration. The rest goes directly to beneficiaries in their monthly checks.

Let me say just a few more things about the uniqueness of Social Security. It is nearly universal. Over 95 percent of all workers are covered by it. In contrast, less than 50 percent of workers have employer pension coverage on their jobs. It is also totally portable. It goes with a worker from job to job. Traditionally, private sector pension plans lose value if a worker changes a job. It is also, and this is very important, a defined benefit. That is, its benefits are determined according to the level of a worker's earnings and years of work.

So this type of pension system provides income continuity in retirement by replacing a fixed percentage of a worker's preretirement earnings. Benefits are paid as long as the worker and his or her spouse lives and the monthly

benefit amount is predictable and steady. This is very different in contrast to a defined contribution system like a 401(k) or an individual savings account which can pay out only what is in the account. If a worker did not contribute in certain years or has poor investment results or just the misfortune of retiring in a down market, he must get along on less. If the account is exhausted before a worker reaches the end of his life, she or he will have nothing left to live on.

The idea of Social Security is that it is an insurance policy. It pays benefits whenever an insured-against event happens. It protects against the risk of having low income in old age, and it spreads risk broadly throughout society to lower the cost of these protections and to make them affordable for all.

I just mention this because sometimes I think that some of my Republican colleagues think that Social Security does not work. It does work. The scary thing is that to my great disappointment, we now have both the President when he established his Social Security commission and now the gentleman from Texas (Mr. ARMEY), the majority leader, and other Republicans are promoting Social Security privatization. What do they mean when they talk about privatization? It sounds like a nice idea, privatization. Basically, they are talking about replacing all or part of the current Social Security program with a system of individual retirement accounts.

I just want to read to my colleagues, if I could, this is the New York Times, February 16, about a month ago, a little less than a month ago, the gentleman from Texas called for a new push on Social Security, and a big part of that was the idea of privatization. His proposal allows workers to invest part of their Social Security money in the stock market, a change that I believe would mean deep cuts in guaranteed benefits and create big financial risks for retirees. This is what he is proposing. This is what he keeps pushing.

If I could just give a couple of concerns about the privatization, then I would yield to the gentleman from Arkansas. I am pleased to see that he has joined me. If you think about diverting the funds from Social Security into individually owned accounts, what you are doing is transferring investment risks from a pool of workers to the individual. This is not risk free. If you start having this private account where you have control over how you invest it, there is a certain amount of risk involved for the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts not only runs a risk for the worker but it aggravates Social Security's financing problems. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then it is obvious that there are going to be less funds available to pay out future benefits for the people that are depending on Social Security. For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than now expected. In short, if funds are diverted away from Social Security programs as they currently exist, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

What I am saying is that not only by diverting some of the Social Security money to private accounts there is more of a risk for that individual who is doing that, but since there is less money in the Social Security trust fund, the problem that we expect in about 30 years or so when there may not be as much money in Social Security and it may not be able to pay out the benefits is only going to be aggravated. That time will be much earlier because those funds are going to be diverted.

I have a lot of other things I want to talk about, but I see that my colleague from Arkansas is here. I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. I thank the gentleman from New Jersey (Mr. PALLONE). It is good to join him this evening as we talk about the future and the security of Social Security, something that so many of our seniors rely on as their only source of income as they grow old and try their best to make ends meet. I think we have got a train wreck waiting to happen. To set the stage for what I am about to say, I want to start by mentioning this about the debt, because they are related. A lot of the politicians in Washington these days seem to not want to talk about the debt. The debt in this country is $5.7 trillion. If President Bush's fiscal year 2003 budget is passed, it will grow by some $100 billion. What does that mean for all of us in our daily lives? Some people in this country think we spend too much money on food stamps. That is $2 billion a month. Some people in this country think we spend too much money on foreign aid. That is $1 billion a month. Mr. Speaker, we spend $1 billion every single day in America just paying interest, not principal, just interest on the national debt.

What is $1 billion? If I put that in a calculator, I get that little E at the end. What helped me bring it home, I was recently touring a brand new, state-of-the-art elementary school in Monticello, Arkansas. As I walked through that building, I learned that it cost $5 million. And it hit me. We could build 200 brand new, state-of-the-art elementary schools every single day in America just with the interest we are paying on the national debt. Just with the interest we are paying in a few days we could create a program that would truly modernize Medicare to include medicine for our seniors. I have got two, actually three interstates pending in my congressional district. Give me a couple of weeks of that and I could build one of them. Give me a day and a half and I could build the other two. That is having an enormous drain on our finances.

I bring that up to set the stage for what I am about to say, because my grandparents left this country much better than they found it for my parents and their generation. My parents have left this country much better than they found it for my generation. I think we have a duty and an obligation as citizens and certainly as Members of the United States House of Representatives to ensure that we leave this country much better than we found it for people like my two children who are back at home tonight with my wife in Prescott, Arkansas.

The reason I point that out is because not only is that something that our children are going to inherit if we do not address it and address it soon, but they are also going to inherit a Social Security system that is bankrupt. When Social Security was created, we had one person drawing benefits for every 30 or so paying in. Sometime between 2011 and 2016, depending on whose numbers you want to believe, we are going to have more people earning Social Security benefits than paying into the Social Security system. And everyone agrees that by 2038, Social Security as we know it today will no longer be there. Social Security will be broke by the year 2038. That may seem like a lifetime away, but if each of you will stop for a minute and think back to 1964, I bet every one of you in this room can remember something you did that year. 1964 to 2002, 2002 to 2038, it is the same time frame in terms of the length of time that will go by. 2038 will be here before we know it.

And when I say Social Security is broke in 2038, that is assuming that the $1.2 trillion that we have borrowed from the Social Security trust fund, the government has borrowed $1.2 trillion from the Social Security trust fund and it will be broke in 2038 even if the government figures out a way to pay that money back by then. It is still broke in 2038. I know some folks will say, That's how you have to invest Social Security trust fund money, is in the government.

I do not argue with that, but I do argue and make this point: I have got a loan at a bank and I think most of you in this room probably owe money. When you go to the bank and sign a loan, normally they want to know how you are going to pay it back. Yet we continue to borrow money, to write IOUs to the Social Security trust fund with no provision, no plans, no idea on how that money is ever going to be paid back. I think that is wrong, and that is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund and to keep their hands off the Medicare trust fund.

I believe privatizing Social Security even complicates and makes this train wreck waiting to happen much worse. The idea that you can choose even a small percentage of your Social Security moneys to play with in the stock market simply does not work. Let me tell you why. We would all like to believe, and believe me there are a lot of people in government that want you to believe, that there is a Social Security account set up with your name on it and all the money that you have had withheld and all the moneys that the employer matches are sitting there in a fund with your name on it. But that is not how Social Security works. Our parents have worked and paid into the system, and the money that they have paid in has gone to take care of their parents and grandparents.

Now my generation is working and the money that we are paying in to the Social Security trust fund goes to take care of my parents and grandparents. That is why education is so critical to our children's future. We are trying to ensure that our children can get a good, sound education so they too one day can grow up and have a good job and pay into the Social Security trust fund to take care of us when we grow old. And the cycle will continue.

If you take even a percentage of that and let those who are paying into the Social Security trust fund play with that money in the stock market, it causes a real problem, because that is not how Social Security works. So that is a major concern.

Another major concern is one, what I call a wake-up call that I hope we all receive from Enron. There is a reason that you can make a lot of money. There is a reason you can lose a lot of money when it comes to stock. It is a risky business.

I believe that our government should provide incentives to encourage small businesses and businesses of all sizes to provide 401(k)s, simple IRAs, and other saving opportunities, because Social Security was never intended to be your only source of income when you retire. I own a small business along with my wife back home in Prescott, Arkansas, a small town in rural south Arkansas. We have 12 employees. For those 12 employees, we do something that a lot of small businesses either cannot do or refuse to do, and that is provide an alternative retirement plan that hopefully someday will go a long way toward subsidizing their Social Security income. It is a simple IRA. It is created, much like a 401(k), for small businesses. We do have a duty and an obligation in Congress to find ways to encourage businesses of all sizes to provide those kinds of saving opportunities for their employees. But it should be above and beyond and separate from Social Security.

This is especially important to me, because my grandmother, I am very fortunate and blessed, she is still living. She is 90, she is blind, she is not in the best of health anymore, but she has lived from Social Security check to Social Security check.

□ 2015

My grandfather died when I was 1 year old and my grandmother first learned how to drive a car. She then got her GED, and then she went to nursing school and came back to our hometown and was a nurse for 20-some-odd years, a hospital that did not have a retirement plan, a job which required her to save what little she could and then get by from Social Security check to Social Security check when she finally retired.

I understand what that Social Security check means to our seniors. We need to see those checks grow. We need to save Social Security, and for the life of me, I am convinced that any form or fashion of privatizing Social Security, taking Social Security money and putting it in the Enrons of the world, will do nothing but reduce benefits and risk the future of Social Security.

When you look at it, coupled with pensions and personal savings accounts, Social Security benefits form the three-legged retirement stool on which many seniors rely. I do strongly support encouraging workers to save and invest more of their income, but to take money out of Social Security through privatization would undermine the security that Social Security was created to provide, especially for women and minorities, that on average earn less and have less to save. Women, African Americans, Hispanics are more likely to lack pension benefits, and also are the least likely to receive interest, dividends or pension income. As a result, these groups have a large stake in the solvency of the Social Security program.

Women particularly benefit from Social Security. Because of Social Security's progressive benefit formula, lower-wage workers receive higher dollars in Social Security benefits. Women who earned lower wages and/or had fewer years in the work force, perhaps because they were at home raising a family, receive larger monthly benefit amounts. In addition, due to their often unique working patterns and lower average wages, women typically have lower rates of pension coverage and income than do men.

According to the Center on Budget, Policy and Priorities, Social Security replaces 54 percent of the average lifetime earnings for female retirees, compared to only 41 percent of the earnings for male retirees. In addition, privatizing Social Security does not consider disability and survivor benefits, both of which are more often utilized by women and minorities.

We must ensure the solvency of Social Security, but we should not undermine the protections or the guaranteed benefit the program provides to all seniors. Similar to the prescription drug debate, Congress and the President must begin to make tough choices and put our energy into enacting real protections for the Social Security system and a quality affordable prescription drug benefit.

We need to have an open and an honest debate to find common ground and common sense solutions to really shore up the Social Security system. We should not wait until after the November elections to talk about this issue. We owe it to our seniors and to the working people of America to take on this issue and make sure that Social Security is there for them and their children and, yes, their grandchildren.

The American people deserve to know where we stand. I am proud to go on record as standing against privatization of Social Security and fighting to ensure the future solvency of Social Security for my parents, my grandparents, and yours.

Mr. PALLONE. I want to thank the gentleman from Arkansas, because I think that he really laid out very effectively what the Social Security program is all about and the problem that we face with solvency, which, of course, is still 30 years away, where we begin to not have enough money to pay out benefits. But if we start to do privatization, if we start to spend this trust fund, which, as you know, the budget that the Republicans, I guess, have come up with tonight that we are going to be voting on next week essentially spends a lot of the Social Security trust fund to pay for current expenses.

But if I could, I wanted to just develop a couple of points that the gentleman made about the risk of privatization, the impact on women, the impact particularly on minorities, because these are serious concerns.

One of the things particularly I thought was interesting that the gentleman talked about was the impact on women. I think a lot of people forget about the progressive method that is employed in Social Security. In other words, if you are paying, as the gentleman said earlier, a lot of people think, okay, I have this account where my money is put aside and that is the money that I get paid back.

It does not work that way. The current workers are paying for the people who are now retired, and the fact of the matter is that a lot of the people, particularly low-wage earners that paid less into Social Security, are getting a lot more than they paid into it. That is particularly true about women.

These are some statistics that we had, that women constitute the majority of elderly Social Security beneficiaries. I guess most people realize that about 60 percent of Social Security recipients over the age of 65 and 72 percent above the age of 85 are women. But because women, on average, earn less than men, it means they are counting upon the Social Security progressive benefit structure to ensure they have an adequate income in retirement.

They are also less likely to be covered by an employer-sponsored pension

plan, so they are even more dependent on Social Security, because they do not have a pension. Also women live longer than men, we know that, so they have to make their retirement savings stretch over a longer period of time.

So if you did the kinds of privatization that the Republican leadership and the President are talking about, where you have these individual account balances, and the annual benefits they yield are a direct result of the deposit, the kind of thing the gentleman said people think we have with Social Security, but we do not. Because women earn less and spend less time in the work force, they would have less to deposit; but because they live longer in retirement, they would have to stretch out those payments from their accounts over more years. They would have to live on smaller benefits from smaller accounts, essentially.

It is the very nature of Social Security, that it is not like an individual account and that you are actually getting, even though you may not have paid in as long and may not have paid as much, more as a benefit, because of the progressive nature of it. That particularly impacts women, because they tend to be lower-wage earners and because they live longer.

The other thing with the risk, I am amazed, because I live in New Jersey, and I saw a statistic once that said in New Jersey people tend to invest in the stock market even more so than most other States, probably maybe because we are near Wall Street or whatever. It is probably true for New York as well, but definitely it is true for New Jersey. Until recently, I think, over the last 10, 12 years, people thought, why can I not take my money out and invest it in the stock market? I am going to get all kinds of returns on my investment.

But if you look at the trend over the lifetime of, say, Social Security workers, those who are now retired, those who are over 65, there is no indication by investing in the stock market they would have benefited and would have a lot more money available today than if they were able to take their Social Security over that period of time and invest it in the stock market. I just want to give a few statistics.

Basically, this is the information on the stock market that I thought was interesting. These are just some for the last couple of years.

Between March 2000 and April 2001, basically the index fell by 424 points, or 28 percent. If Social Security had been privatized, a worker who had his or her individual account invested in a fund that mirrored the stock market and who retired in April 2001 would have 28 percent less to live on for the rest of his or her life.

If you look over the last century, there were 15 years in the past century, 1908 to 1912, 1937 to 1939, 1965 through 1966 and 1968 through 1973 in which the real value of the stock market fell by more than 40 percent over the preceding decade. So anybody who tells you, oh, you know, if I had invested my money in an individual private account rather than Social Security, I would be much better off, you cannot show that. It is just not true.

The other danger, of course, is that not everybody would necessarily invest in a mutual fund; they would pick and choose stocks, and there is a certain risk involved in that. Some people come back to me and say, Congressman PALLONE, Why are you so worried about this, because, you know, everybody should be able to make their own choice? If somebody wants to take their Social Security and invest it in a private account, they lose their shirt in the stock market, that is their problem. You cannot be sort of paternalistic and worry about that person.

My response is that is, very nice, but those people who lose their shirt in the stock market and do not have the retirement benefits, where are they going to go? They are going to come back to Congress and say, wait a minute, I invested my Social Security in the stock market. I lost my shirt. I am out on the street. What are you going to do to help me? The burden then comes back to the government again.

So I just do not buy this idea that we are supposed to say okay, everybody makes their own decisions, and somehow this is the right thing to do ideologically.

The bottom line is that Social Security is like an insurance pool, and everybody pools their resources and everybody benefits; and if you start taking out pieces and let people make their own decisions about their money, then you run the risk that a lot of them are not going to have their money and they are going to come back to the government and look for a bailout later.

I do not know. I know a lot of arguments are used by our Republican colleagues to justify this privatization, but I do not think they are legitimate arguments if you look at the impact and if you seriously look at what might happen if that were to occur.

The other thing, of course, that concerns me right now is that, as the gentleman knows, for the last few years we were basically balancing the budget, and we had a little bit of a surplus; and under the previous administration, under President Clinton, in the last few years of his administration, as the surplus grew, we were actually taking some of that surplus and we were investing it or using it to pay off the debt. The idea was that it would shore up the Social Security fund, and the outyears, the years, as the gentleman says, when Social Security would not have enough money to pay out, were getting further and further away.

But now, with the budget that we are going to get from the Republican leadership and from the President, tonight I think it is already out and it will be voted on the floor next week, by spending the Social Security trust fund for current expenses unrelated to Social Security, that outyear when we are going to start to run out of money is going to get closer and closer; and privatization only aggravates it all the more if we were to move in that direction.

So these are the kinds of things that obviously we worry about as Democrats. I think it is no surprise that we are seeing a lot of our colleagues come on the Floor and talk about these concerns, because it is a very scary thing for the average senior citizen, the average person receiving Social Security, and I think we have got to make the public understand what is happening with Social Security, what is happening with the trust fund, because I just do not think a lot of people are necessarily aware of it.

I do not know if the gentleman finds that to be true at his town meetings or whatever. I think there is a lot of confusion on the part of the public about what is happening with Social Security, and some of these proposals that are out there in terms of where we are going to go and how we are going to make it solvent. I do not know if the gentleman wants to comment on that at all.

Mr. ROSS. Well, I thank the gentleman. I guess the reason that we have gotten to where we are on this discussion about the idea of privatizing Social Security really started last year when President Bush established a 16-member Commission on Social Security. The commission was given the specific task of spelling out how a Social Security privatization plan should be designed and implemented.

In December, the commission put forward three different options for partially privatizing Social Security. It did not, however, accomplish the goals of identifying the design and implementation of privatization. In fact, the commission acknowledged that such a profound change in the Nation's retirement system, commonly referred to as Social Security, would eventually cost at least $2 trillion, and that is with a T, at least $2 trillion, though the commission did not suggest how to pay for it.

So I think it is important that we do have an open and honest debate that fully discloses the risks associated with privatization, and develop a true retirement security plan for the American people. The American people deserve a national dialogue outside of the election year antics that will begin in the next few months.

The time for that dialogue to begin is now. The gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security, I think he said it best when he said, ''The Enron collapse has made it abundantly clear that defined benefit plans such as Social Security have a fundamental role to play in retirement savings.

□ 2030

In light of Enron, it is especially critical that we discuss openly the risk,

the cost, and benefit cuts inherent in Social Security privatization.''

Mr. Speaker, this is a big issue. What the President proposes with his FY03 budget is, for the first time, I believe since 1997, that we go back to the days of deficit spending. The FY03 budget will put us further in debt by $100 billion; we are already $5.7 trillion in debt, so I guess that means we will be $5.8 trillion in debt, on top of the $1 billion we pay every single day in America, simply paying interest on the national debt; money that could go for education, that could go for highways, that could go for infrastructure that creates economic opportunities for people from all walks of life; money that could go to truly pass my bill, my bipartisan bill that I have filed with the gentlewoman from Missouri (Mrs. EMERSON), that truly creates a Medicare part D.

Mr. PALLONE. Mr. Speaker, I am a cosponsor of that bill.

Mr. ROSS. That is right, and I thank the gentleman from New Jersey for that.

But that is the kind of thing we could be doing with that $1 billion a day that we are paying interest on the national debt. Believe me, when the President is right, I will stand and say he is. I give him an A-plus for this war on terrorism. We all want to know life in America once again the way we did prior to September 11, and I give him an A-plus on that. I have voted with him in the past 14 months on many other issues, but this is an issue where I think he is wrong. Not only does he propose in the FY03 budget that we go $100 billion further into debt, he is asking that we raise the debt limit, not by $100 billion, but by $750 billion, with every single dime of that coming from where? The Social Security trust fund, with no provision, no plan on how in the world we pay it back or someday our kids or grandkids are forced to pay it back.

Mr. PALLONE. Mr. Speaker, the gentleman raises a number of things I just want to comment on.

First of all, when the gentleman talked about the debt limit, I thought it was very interesting that today pretty much Treasury Secretary O'Neill said that they are not going to bring up a vote on the debt limit because I think that the Republican leadership and the President do not want to show that they have to raise the debt limit; they are sort of hoping somehow it is going to go away, and they were suggesting that they were going to have to tap into Federal retiree funds, retirement funds, in order to postpone raising the debt limit, which is sort of a unique budget trick. But I guess we could go on doing that for a few months, and this way we sort of get away, maybe until after the election, and we get away with sort of showing that we have gone further into debt and we have to raise the debt limit. I do not know what the implications are for Federal retirees, but I am sure they are not too happy with the idea that their retirement funds are going to be played around with in this way in an effort to try to mask the fact that this debt limit has to be raised because the budget, the President's budget, raises the amount of debt.

The other thing is the gentleman mentioned the commission, the President's Commission on Social Security; and, to his credit, when he was first elected, he set up this commission with the idea that we were going to have this full-fledged debate on the future of Social Security. But all of a sudden, as the commission met, and I guess there was some criticism of having to deal with that issue of Social Security that might be politically unwise, they came up with a myriad of proposals which, although they favor privatization, are not at all clear where they are going.

I think one of the fears that a lot of the Democrats have is that even though we are hearing about debating Social Security and privatizing Social Security, that maybe what the Republican leadership really wants to do is postpone this whole thing until after the election so that they do not have to deal with it now.

I agree that I think that is unfortunate, because this is not going to go away. The actions that the President and the Republican leadership are taking with the budget, with the deficit, with essentially spending Social Security trust funds, are making the situation with Social Security worse. So they cannot keep postponing the inevitable.

The other thing that came up, which I do not know if we are going to get to it or not, but the gentleman certainly heard about it, all of us have, was that the majority leader, the gentleman from Texas (Mr. ARMEY), proposed this idea of this certificate. We were going to vote on a resolution on the floor, which is a little different than a bill, a resolution that would authorize the printing of these certificates that would go out to everybody over 65 telling them that their Social Security benefits would be guaranteed for the rest of their life. Then we found out that it would cost like $40 million or $50 million that would come out of the trust fund as well.

So again, I think that there is a lot of politics being played around here. We do not need these certificates. We need to have some action to actually deal with this issue in an effective way, other than just spending more of the trust fund and talking about privatization.

The gentleman raised some of these issues, and I think that we kind of have to keep bringing it up because of our concern over where all of this is going.

Mr. ROSS. Mr. Speaker, I agree with the gentleman. Let me just tell the gentleman that I am new to Washington. I still believe people can run for public office and get involved for the right reasons and really make a difference in people's lives. After 14 months here, I can tell my colleague that I am sick and tired of all the partisan bickering that goes on in our Nation's Capital. It should not be about what makes the Democrats look good or bad, and it should not be about what makes the Republicans look good or bad. It ought to be about doing right by the people who sent us here to represent them.

I can tell the gentleman that America is at war. We are spending $1 billion a day simply paying interest on the national debt. We owe the Social Security trust fund $1.2 trillion; and even if it is paid back, it is broke by 2038. There are a lot of critical issues facing this country and its future. My parents left a better country for me than what they found; and I am committed, I am dedicated, I believe it is a duty and an obligation, to ensure that we are able to leave this country just a little bit better off than we found it for our children and for our grandchildren and for the many, many generations to come.

The gentleman mentioned the guarantee certificate. Let me just tell my colleague that unfortunately my colleagues on the other side of the aisle have proposed mailing a bogus Social Security ''guarantee'' certificate. It is kind of like the President's idea of this so-called discount prescription drug card as a Bandaid approach, at best, to providing our seniors with the Medicare coverage they need when it comes to medicine. When we created Medicare, we did not say, here is a discount card, go to your doctor and cut the best deal you can, or here is a discount card, go to the hospital and cut the best deal you can. We truly provided a form of health care. Today's Medicare was designed for yesterday's medical care, and that is why I feel so strongly about the need to quit talking about modernizing Medicare to include medicine for our seniors and get on with getting it done.

Mr. Speaker, when we take a look at this Social Security guarantee certificate that the Republicans are proposing, it is not worth the paper it is printed on. Recently, the new Social Security Administration's Commissioner, JoAnn Barnhart, questioned the merits of such a guarantee certificate. In a memo to his Republican colleagues, Majority Leader ARMEY said that he is pushing the guarantee certificate as political cover for Republicans as we enter an election year.

Mr. Speaker, saving Social Security should not be about politics. It is much greater than any of us that serve up here. Saving Social Security for our seniors and for many generations to come is much more important than any of us standing for reelection. The American people, our seniors, they do not want a gimmick. They want a Congress that will be responsible, that will stand up, and that will truly protect Social Security. That is the kind of Congress I want to serve in.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments.

I want to conclude this evening, but I just wanted to point out again that that is why so many of us on the Democratic side have been up here over the last couple of weeks, and we are going to continue to do it, because we will have the budget come up next week, and we really do want to have a debate on the substance of Social Security and where we are going with it and not just having this certificate that is going to be out there and giving people this idea that everything is fine, when it is not. So we are going to continue to be here.

I just want to thank my colleague, the gentleman from Arkansas, and point out that as Democrats, we do think this is a very important issue that needs to be openly debated; and we are going to be here every night, if necessary, to make the point over the next few weeks.

ENDANGERED SPECIES ACT CAUSING SEVERE NEGATIVE IMPACTS ON ECONOMY

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a very large rural area in Nebraska. Actually, 97 percent of the district is privately owned. From about this area here on west is the third district, which I represent.

Currently, landowners are very concerned about property rights; and they are especially concerned about the Endangered Species Act, because this can be very intrusive and very threatening to landowners. Among those I represent, three events have contributed to this loss of confidence, and I will mention each one individually.

The first is the Klamath Basin situation that happened in Oregon this past year. As many people understand and realize, Fish and Wildlife shut off the irrigation water that served 1,400 farms in the Klamath Basin. They did so rather abruptly. The crops had already been planted, and this was done to protect the short-nosed sucker which lived in Klamath Lake and which is listed as endangered and also to help the coho salmon population in the river below in Klamath River. So the farmers lost their crops; some lost their farms. Land values declined from $2,500 per acre to $35 per acre, and Oregon State University estimates the loss of water cost the economy roughly $134 million in that area.

So naturally, landowners across the country, landowners in Nebraska were aware of this; and they are concerned about how far-reaching and how invasive the Endangered Species Act can become.

Recently, the National Academy of Science performed an independent review of the Klamath River Basin situation. Listen to what they found: they ruled that there was insufficient data to justify the decision to shut off the irrigation water. They said that cutting off water was not necessary to save the short-nosed sucker in Klamath Lake. Factors other than low water levels were endangering the sucker, so it was not the low water level at all. Also, actually, they found that larger releases in the Klamath River did not help the coho salmon but actually may have, in some ways, endangered them further.

So the whole situation in Klamath River has been called into serious question, and it would appear that all of the economic and financial damage that was done was all for naught; and in most cases, it would appear that it was something that should not have happened at all.

Secondly, there was a congressional hearing last week that I participated in in the Committee on Resources, and they had members of the Fish and Wildlife Service and the Forest Service; and these officials were asked to testify because seven employees of these agencies and also employees of a Washington State agency falsely planted Canadian lynx hair in Washington and Oregon.

□ 2045

This was an obvious effort to falsify data and to show that the Canadian lynx had an expanded and much larger range than what was believed. This would also have enhanced and enlarged their critical habitat for the Canadian lynx.

According to testimony, others within the government agencies were aware of the planted lynx hair and did not report it. This was a rather bizarre and unusual thing, because we would think that these employees would be in significant difficulty for having falsified the data. In many cases, we would have thought they would have been terminated. But actually, what they received as punishment was a verbal reprimand, verbal counseling, I guess is the way they put it, and most of these employees received their year-end bonuses, so it did not seem that the agency took any significant action. I guess that leaves many of us who are concerned about the Endangered Species Act to have some pause about what has been going on here.

The third instance that I would like to discuss, that I think is particularly important and more relevant to the State of Nebraska, where I live, is that in 1978, 56 miles of the Central Platte River was declared critical habitat for the whooping crane. This area is designated by the red line here that goes from Lexington, Nebraska, down to Grand Island. That is 56 miles. It was assumed that that stretch of river is critical for the survival of the whooping crane.

At one time, there were less than 50 whooping cranes in existence, so it was certainly endangered, no one questions that. Currently, the population of whooping cranes is at 175, but they are still definitely endangered.

In 1994, Fish and Wildlife proposed end-stream flows in the Platte River to preserve the whooping crane. They wanted to manage the amount of water going down the river, which would supposedly enable the whooping crane to have a better chance to survive.

They proposed that 2,400 cubic feet per second for 6 weeks during the spring would go down the river. This is a lot of water to go down the river, and that is water that could be stored here in Lake McConaughy later on for irrigation, but it is water that was used or is proposed to be used strictly for the whooping crane and for their habitat.

The flows in the river are recommended to be 1,200 cubic feet per second in the summer, and then they would, like on wet weather years, occasionally they want ''pulse'' flows of 12,000 to 16,000 cubic feet per second, and those flows would have to persist for at least 5 days in duration during the months of May and June.

When you have 12,000 or 16,000 cubic feet per second, you are talking about flood or near-flood stages. We have some lowland flooding along the Platte, some crop ground that is certainly damaged; and the big problem is that if we have a rain or extra water coming in here in the South Platte, we have an all-out catastrophe, or at least the potential for it.

So this is where the controversy begins, because obviously the 2,400 cubic feet per second down the river, and that being lost to crops and to uses that municipalities and farmers can use along the river, has not gone down real well. Of course, the ''pulse'' flows have caused even greater consternation.

One of the things about the ''pulse'' flows is that they also scour the river bed. They remove sediment and deepen the channel. As far as the cranes are concerned, this is not something that is desirable.

So in order to accomplish these end-stream flows, there was a cooperative agreement that was formed between Colorado and Wyoming and Nebraska, those three States, and, of course, Colorado is here, Wyoming is here, and Nebraska is here, to serve that 56 miles of river.

Now, Nebraska's contribution to the cooperative agreement is 100,000 acre-feet of water stored in Lake McConaughy, this lake right here, and that is roughly one-ninth to one-tenth of the whole capacity of the lake. That lake is to be stored for an environmental account, to be released at any time that it is assumed that the whooping cranes might need that water.

Also, there are no new depletions in this area of the Platte Valley after 1997. What that means is that if you had an irrigation well and you drilled that well in 1998, you had to shut down another well so there was no net depletion of water. Or if you were a municipality and you needed more water from the Platte River, then you had in some

way to mitigate that and to shut down or reduce water use in another area. So since 1997, supposedly there are no new depletions in the river area.

In addition, there were 10,000 acres of critical habitat that was designated and set aside for the whooping crane.

Then this is probably the most bizarre issue of all. In order to replace the sediment that was taken out of the Platte by the ''pulse'' flows, it was recommended that there be 100 dump trucks of sediment hauled in and dumped in the Platte River every day for as long as possibly 100 years. That was so ludicrous that eventually Fish and Wildlife has backed off of that. Now all they are talking about is bulldozing or moving islands that are located in or near the river into the river, so this idea of replacing sediment has been a major issue.

Wyoming's contribution to the cooperative agreement is 34,000 acre-feet of water from Pathfinder Dam. Colorado's contribution is 10,000 acre-feet of water through the Tamarack plan. So, in total, phase one, the first 10 years, the amount dedicated to providing habitat for the whooping crane is 140,000 acre-feet of water per year. That is a lot of water going down the Platte River that could be used for a lot of different other issues that would certainly have a tremendous impact on the economy. Also, 10,000 acres, as we mentioned, has been set aside for the environmental aspects, and then the sediment replacement that we talked about.

Now, that is just phase 1. Eventually what the plan is, is to have 29,000 acres of habitat set aside and 417,000 acre-feet of water annually going down the river for environmental purposes. Now, that is increasing the 140,000 by roughly threefold, and no one knows quite where we can come up with that amount of water. That is an astronomical amount in the West, which generally tends to be rather dry.

The cost of the cooperative agreement, to date, is $5.5 million. That is just to begin to formulate the plan. The estimated total cost of the cooperative agreement is $160 million. That does not say anything about what it costs to move sediment into the river. That does not say anything about what it costs to have the no new depletions allotment, or what the costs to irrigators, farmers, and ranchers along the river would be in terms of lost water. The $160 million would be just a fraction of the total cost.

So the cooperative agreement has been time-consuming, it has been expensive, it has been burdensome to landowners, and most importantly, and this is the critical issue, the whole cooperative agreement idea seems to be based on a false premise. That premise is that the 56-mile stretch of the Middle Platte is critical for the existence of the whooping crane. In other words, this stretch of river right here is necessary and it has to be managed in the way that the cooperative agreement has specified in order for the whooping crane to survive.

There was a watershed program director who worked for the Whooping Crane Trust, which is an environmental group, it is not a group of farmers or ranchers or anyone who is against wildlife. This person worked for the Whooping Crane Trust. He worked for them for 17 years. He wrote a document filed on March 22 of the year 2000. This letter was sent to Fish and Wildlife.

It reads as follows: ''From 1970 through 1998,'' that is 28 years, ''38 percent of the years exhibited no confirmed whooping crane sightings along the Platte River. On average, less than 1 percent of the population of whooping cranes was confirmed in the Platte Valley during that same time frame.'' This is not just in the river, but in the whole valley.

What he was saying was that 11 out of 29 years, there were no sightings of whooping cranes on the Platte River, and yet we are assuming that this stretch of river right here is critical for their survival. There was an average of between one and two sightings per year over that 29-year period.

Now, obviously, if you have 175 whooping cranes and that is critical habitat, we are going to see more than one or two in a year, and we are not going to go 11 or 12 years without seeing any.

He goes on to say this: ''During the 1981–1984 radio tracking study of whooping cranes,'' and in other words, they put an electronic collar on the cranes, ''18 whoopers were tracked on three southbound and two northbound migrations.'' So this took place over a 2½-year time frame.

He said, ''Of those 18 whoopers, none of them used the Platte River.'' None of those that were tracked electronically were even in the Platte River or in that region. So the author of the report goes on to say this: ''I wonder if the Platte River would even be considered if the Fish and Wildlife Service was charged with designating critical habitat today. Whooping crane experts that I have visited with would be hard-pressed to consider the Platte River, given our current state of knowledge, certainly, none would be willing to state on a witness stand that the continued existence of the species would be in jeopardy if the Platte River were to disappear.''

So this was his conclusion, and this was the result of years of study. Yet, we have this very elaborate plan that has been concocted in order to preserve that piece of river when apparently it really does not serve the whooping crane to any great degree at all.

Further, and this is important as well, this week Fish and Wildlife is expected to declare 450 miles of the Platte and Loup and Niobrara rivers as critical habitat for the piping plover, so we are switching now from the whooping crane to the piping plover. Now, this is the Niobrara River here, and almost all of that river in its entirety is expected to be declared critical habitat. This is the north Loup, the middle Loup, and the south Loup. Again, that is going to be designated as critical habitat.

Now, the stretch of the Platte River extends from Cozad, right here, 80 miles to Chapman, right here. So it is approximately the same range as the whooping crane designation, but just a little bit further. So 97 percent of these river designations flow through Nebraska private lands. In other States where the piping plover is going to have critical habitat, such as Minnesota, North Dakota, South Dakota, Montana, roughly 97 to, in some cases, 100 percent of the habitat is strictly on public lands, so Nebraska is really hard hit as far as private lands.

Let us stick with the Middle Platte, because this is the area that has been studied the most. This is the area that we have the most data on. Again, let us refer to the document presented by the watershed program director. This is what he said about critical habitat for the piping plover.

''The Central Platte River does not offer any naturally occurring nesting habitat for these species, as amply demonstrated by the fact that no tern or plover chicks were known to fledge on any natural river sandbar during the entire decade of the 1990s.'' So what he is saying is that he and his colleagues studied this stretch of river right here, and during the 1990s, they found no reproduction of the piping plover or the least tern, which is also endangered, on that whole stretch of river. Yet, that is going to be designated as critical habitat for those birds.

The problem with this situation is that these birds nest near the water level, so if you have water at this level, the nest is going to be just a few inches above the water. Of course, the letter goes on to say this: ''A 50-to-60-day window of flows less than about 1,500 cubic feet per second during late May through mid-July is necessary to allow for nesting and subsequent fledging. This did not happen in the 1990s. Nests and/or young were flooded out.''

So during that period of time, 50 to 60 days, the better part of 2 months, in June and July, the water level must stay constant. It must stay very low, because once the birds build their nests, any surge of water is going to wipe out the nest. So during the decade of the 1990s, that is what happened every year. Every time there was any nest that was built, they were wiped out. Yet, this is where the critical habitat is going to be designated.

So flows are regulated from releases from Lake McConaughy. This is the major problem here, too. Here is Lake McConaughy. This is what controls 100,000 acre-feet of water that can be sent down the river at key times.

Now, the problem is that it is 100 miles from Lake McConaughy to Cozad or Lexington. It takes 5 days for the water from Lake McConaughy to reach this area. So if we think we have the

flow controlled, and then all of a sudden you have an inch or 2-inch rain or half-inch, or have a rain in Colorado which comes down the South Platte River, which is not regulated by the dam, all of a sudden you have a surge in the water flow, and for 10 years there was no way to assure that there would be 1,500-acre cubic feet per second or less in the river, and hence, we lost the fledging that was supposed to occur.

□ 2100

So it is ironic that Fish and Wildlife chose to designate critical habitat in rivers which obviously has not worked and has ignored sand pits and lake shores which do work. Now all along the Platte River there are sand pits and small lakes and the only fledging, the only nesting that has been successful for the piping plover and the lease tern over the past 10 years or even 15 years has been on these sand pits, and yet none of these sand pits were designated as critical habitat by Fish and Wildlife, which is really hard to understand.

Sand pits or dredge islands are the only places where young have fledged in recent years, and so it would seem that attempting to create a river environment which promotes nesting by the piping plover and lease tern may actually harm the species. Again, we refer to the report and the author says this: ''This begs the question as to whether it is in the best interests of this species' long-term well-being to attract them to an area where they are likely to be flooded or eaten by predators.''

So what he is saying, in some cases, they have taken bulldozers, they have knocked down trees, they have tried to create artificial sand bars which would attract the piping plover and the lease tern to nest in the river; and when they have done that, invariably those nests have been wiped out by high water that comes surging down the river.

So in a sense, it has worked against the species to attract them to nest in an area where nesting is not going to be successful. It would be much better off if they were nesting in sand pits, small lakes where that is not going to happen to them.

It would seem that the critical habitat designation for the whooping crane in the first instance and the piping plover are inaccurate designations. The data simply does not support the designation. Therefore, I have requested the Secretary of the Interior provide an independent peer review through the National Academy of Sciences or some equivalent agency to review the listing of this habitat on the Platte River. I talked to Secretary Norton. I know that she is dedicated to making decisions based on accurate data, and we are very hopeful that her agency will see to it that there is a further independent peer review.

This did happen on the Klamath Basin. Unfortunately, it happened too late for the farmers. It was done after the fact. In this case we want to have it done before the fact, before the list, before things get out of hand; and we think that is very important.

Mr. Speaker, it is important to those listening that they do not assume that I am against endangered species. Quite often people from agriculture areas are assumed to be automatically against wildlife, against endangered species; and that is absolutely not the case. However, I do oppose the Endangered Species Act as it is now interpreted and administered.

Sometimes the Endangered Species Act may actually harm the species. We have already given an example or two. For instance, the National Academy of Sciences study indicates that higher flows from Klamath Lake actually in some cases harm the coho salmon. My colleagues say how does that occur, and what happened was Klamath Lake is relatively shallow; and so when they kept water in Klamath Lake, instead of running some of that water down irrigation canals, they sent it all down the river. The water was warmer in Klamath River than it was normally because there are springs in the bottom of the river, and so as a result they warmed up the water in Klamath River, which was actually endangering and harming to the coho salmon. So sometimes there are unintended consequences, and sometimes the Endangered Species Act does not work in ways that it was designed to work.

Actually, we have also mentioned that alterations in the Central Platte often entice the nesting of plovers and terns, and we have talked about that, dragging them into sand bars where they get washed out.

Then lastly, let us consider one other instance where the Endangered Species Act probably is not serving a species very well, and that would be the area of prairie dogs.

Fish and Wildlife and others have viewed as a baseline the journals of Lewis and Clark back around 1800 to determine where the natural habitat for prairie dogs was. As many people know, Lewis and Clark went up the Missouri River, went on up into South Dakota, on over here into Montana, and so they journaled and they mentioned wildlife. They mentioned prairie dogs; but as most anyone can see, in the State of Nebraska very little of Nebraska except along the Missouri River was ever covered by Lewis and Clark. So how can we say what the natural range of prairie dogs was when we go back to a document that is more than 200 years old?

Anyway, we are certainly in the middle of a controversy in Nebraska, in Montana and South Dakota, North Dakota, Wyoming, other Western States regarding the prairie dog. The prairie dog right now is considered to be threatened, but it is not listed. What that means essentially is that apparently Fish and Wildlife feels that it is endangered, but they have not gotten around to listing it; and many of us are hoping that they will reconsider before they do list it.

The thing to remember is that landowners will often tolerate prairie dogs as long as they can be managed. So if someone has got a ranch of 12,000 acres and they know they have got a prairie dog town down in one corner of their ranch and maybe another one up in this corner and they are certainly not out of control and they are not damaging a whole lot of pasture land, they are probably going to live and let live with those prairie dogs. But if on the other hand they realize that Fish and Wildlife is about to list the prairie dog as an endangered species and they can no longer touch those prairie dogs and they know very well that if they start moving and if they expand they can absolutely ruin a pasture, they could ruin half their land, they could ruin it all, and so what are they going to do? Are they going to let those prairie dog colonies survive, or are they going to make sure there are no endangered species on their property when the listing actually occurs?

I would say right now that that is happening to some degree with the prairie dogs. So the Endangered Species Act at this point is probably not serving the prairie dog to any great degree. Matter of fact, it may be harming it.

I think it is important that we understand that landowners are not people who are out to get the species. We have seen three examples of areas where the Endangered Species Act has not served landowners or wildlife well, the Klamath Basin crisis, the Canadian lynx falsified data, and then the critical habitat designation for the whooping crane, the piping plover and the Central Platte of Nebraska.

Generally speaking, the person that is closest to the species is the landowner, and I think that is something that people need to realize. There are a lot of environmental groups around the country, and they are very interested in species; and they care a lot about wildlife, but they are not right there with them every day like the landowner is.

Most landowners that I have known like wildlife. They certainly do not want to harm an endangered species, and so I have seen cases where Fish and Wildlife representatives have worked very well with landowners. I saw one in the central part of Nebraska where this person incorporated 15 or 20 farmers, and together they were able to create wetlands and habitat that was really outstanding for water fowl. So there is a cooperative effort, and usually landowners will respond to that type of approach.

On the other hand, I have seen Fish and Wildlife become rather arbitrary. They have used the Endangered Species Act as a club; and as a result, when forced to choose between a species and one's livelihood, the landowner usually is going to choose his livelihood. So I

think it is important that we understand that the Endangered Species Act in some ways can be an effective tool, but it has got to be used differently. It is not being used very effectively at the present time. I think it needs to be modified. The Endangered Species Act often unnecessarily forces the landowner to make this choice; and when this happens, everyone loses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and the balance of the week on account of business in the district.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of Texas primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 13.

Mr. OSE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 8, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3090. To provide tax incentives for economic recovery.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5840. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–297, ''Advisory Neighborhood Commissions Boundaries Act of 2002'' received March 12, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5841. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5842. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

5843. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Eastern Gulf of Mexico, Sale 181, scheduled to be held on December 5, 2001, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

5844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Mary's Hospital Heliport, MD [Airspace Docket No. 01–AEA–21FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, Illinois [COTP St Louis–02–003] (RIN 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05–01–071] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Operation Native Atlas 2002, Waters adjacent to Camp Pendleton, California [COTP San Diego 02–001] (RIN : 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01–012] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Liquefied Natural Gas Tanker Transits and Operations in Cook Inlet, Alaska [COTP Western Alaska 02–004] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Easton Memorial Hospital Heliport, MD [Airspace Docket No. 01–AEA–22FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam [COTP San Diego 01–021] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30293; Amdt. No. 2091] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30296; Amdt. No. 2094] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01–AWP–26] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01–AWP–26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Titusville, NASA Shuttle Landing Facility, FL [Airspace Docket No. 01–ASO–12] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Wauchula, FL [Airspace Docket No. 01–ASO–17] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Union, SC [Airspace Docket No. 01–ASO–14] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kenmare, ND [Airspace Docket No. 00–AGL–26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Warren, MN [Airspace Docket No. 00–AGL–27] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5861. A letter from the Program Analyst, FAA, Department of Transportation, FAA, transmitting the Department's final rule—Revocation of Class E Surface Area at

Lompoc, CA [Airspace Docket No. 01–AWP–23] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2146. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; with an amendment (Rept. 107–373). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 366. A resolution providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children (Rept. 107–374). Referred to the House Calender.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 367. Resolution providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes (Rept. 107–375). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself and Mr. BURTON of Indiana):

H.R. 3924. A bill to authorize telecommuting for Federal contractors; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. BURTON of Indiana):

H.R. 3925. A bill to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes; to the Committee on Government Reform.

By Mr. LAFALCE:

H.R. 3926. A bill to repeal a scheduled increase in the fee charged by the Government National Mortgage Association for guarantee of mortgage-backed securities; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 3927. A bill to amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer those programs; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 3928. A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; to the Committee on Resources.

By Mr. HALL of Texas (for himself, Mr. SMITH of Texas, Ms. WOOLSEY, Mr. BOEHLERT, Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, Mr. CALVERT, and Mr. SHOWS):

H.R. 3929. A bill to provide for the establishment of a cooperative Federal research, development, and demonstration program to ensure the integrity of pipeline facilities, and for other purposes; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. DEFAZIO):

H.R. 3930. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mrs. ROUKEMA):

H.R. 3931. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. ACEVEDO-VILA, Mr. ABERCROMBIE, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. COSTELLO, Mr. DEFAZIO, Mr. DOYLE, Mr. DEUTSCH, Mr. FARR of California, Mr. FILNER, Mr. GILCHREST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. LEE, Mr. LEVIN, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. PALLONE, Mr. PASCRELL, Ms. RIVERS, Mr. SHERMAN, Mr. STARK, Mr. TANCREDO, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3932. A bill to amend title 18, United States Code, to prohibit certain conduct relating to polar bears; to the Committee on the Judiciary.

By Mr. CARSON of Oklahoma:

H.R. 3933. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLEY of California (for himself, Mr. RADANOVICH, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 3934. A bill to designate a United States courthouse to be constructed in Fresno, California, as the ''Robert E. Coyle United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH:

H.R. 3935. A bill to suspend temporarily the duty on helium; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 3936. A bill to designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.R. 3937. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 3938. A bill to direct the Secretary of Veterans Affairs to make a grant to the State of Connecticut for alteration of a certain building for support of a State veterans' home and hospital; to the Committee on Veterans' Affairs.

By Ms. KAPTUR:

H.R. 3939. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3940. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 3941. A bill to direct the Secretary of the Interior to conduct a special resource study to determine whether it is suitable and feasible to include the Port Chicago Naval Magazine National Memorial as a unit of the National Park System; to the Committee on Resources.

By Mr. GEORGE MILLER of California:

H.R. 3942. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE:

H.R. 3943. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 3944. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractor parts suitable for agricultural use; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3945. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building''; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 3946. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself, Mr. TOM DAVIS of Virginia, and Mr. BURTON of Indiana):

H.R. 3947. A bill to amend the Federal Property and Administrative Services Act of 1949 to enhance Federal asset management, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. HEFLEY, and Mr. UDALL of New Mexico):

H.R. 3948. A bill to improve implementation of the National Fire Plan on Federal lands managed by the Forest Service and agencies of the Department of the Interior; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 3949. A bill to amend title XIX of the Social Security Act to require health maintenance organizations and other managed care plans providing medical assistance to Medicaid beneficiaries to make payments for assistance provided to such beneficiaries by health centers in Federally-assisted housing for the elderly, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. STENHOLM, Mr. BOSWELL, Mr. TAYLOR of Mississippi, Ms. HARMAN, Mr. JOHN, Mr. ROSS, Mr. SANDLIN, Mr. TURNER, Mr. HALL of Texas, Mr. SCHIFF, and Mr. HILL):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. CROWLEY, and Mrs. MALONEY of New York):

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the Orthodox Theological School of Halki in the Republic of Turkey be reopened in order to promote religious freedom; to the Committee on International Relations.

By Mr. ENGEL:

H. Con. Res. 346. Concurrent resolution supporting the goals and ideals of the National Day of Silence; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 347. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 348. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA:

H. Res. 364. A resolution xroviding for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 365. A resolution providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETERSON of Minnesota introduced a bill (H.R. 3950) for the relief of Anne M. Nagel; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ENGLISH.
H.R. 25: Mr. ISRAEL.
H.R. 162: Mr. GORDON.
H.R. 218: Mr. SULLIVAN and Mr. DICKS.
H.R. 236: Mr. KELLER.
H.R. 292: Mr. LIPINSKI, Mr. LYNCH, Mr. LANTOS, Mr. WEXLER, Mr. TOWNS, Mr. FRANK, Mr. FILNER, Mr. PALLONE, Mr. BRADY of Pennsylvania, and Mr. OLVER.
H.R. 303: Mr. SULLIVAN.
H.R. 425: Mr. BLAGOJEVICH.
H.R. 488: Ms. BROWN of Florida and Mrs. TAUSCHER.
H.R. 507: Mr. BARCIA.
H.R. 527: Ms. PRYCE of Ohio.
H.R. 547: Mr. HINCHEY, Mrs. CHRISTENSEN, and Ms. MCKINNEY.
H.R. 572: Mr. GALLEGLY.
H.R. 580: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. EVANS, Mr. BRADY of Pennsylvania, and Ms. CARSON of Indiana.
H.R. 600: Ms. BROWN of Florida.
H.R. 604: Ms. CARSON of Indiana.
H.R. 664: Mr. HAYES, Mr. SHADEGG, Mr. GRAHAM, and Ms. ROS-LEHTINEN.
H.R. 690: Mr. BAIRD.
H.R. 745: Mr. TIERNEY.
H.R. 747: Mr. BERMAN.
H.R. 778: Mr. PRICE of North Carolina.
H.R. 854: Ms. HARMAN, Mr. KUCINICH, Mr. CLYBURN, and Mr. BROWN of South Carolina.
H.R. 917: Ms. KAPTUR.
H.R. 951: Mr. MEEKS of New York, Mr. NETHERCUTT, and Mr. REYNOLDS.
H.R. 1040: Mr. BARR of Georgia.
H.R. 1049: Ms. MCKINNEY.
H.R. 1076: Mr. ACEVEDO-VILA.
H.R. 1097: Mr. COSTELLO and Mr. GUTIERREZ.
H.R. 1111: Mr. KIRK, Mr. SHERMAN, Mr. BERRY, Mr. WEXLER, Mr. ROSS, Ms. MCCOLLUM, Ms. NORTON, Mr. FOLEY, and Mr. WU.
H.R. 1184: Mr. SABO and Ms. ROYBAL-ALLARD.
H.R. 1239: Mr. SHIMKUS.
H.R. 1265: Mr. FRANK, Mr. HALL of Ohio, Mr. NETHERCUTT, Mrs. TAUSCHER, Mr. FARR of California, and Mr. CAPUANO.
H.R. 1287: Mr. SMITH of Michigan and Mr. RYUN of Kansas.
H.R. 1306: Mr. OSE.
H.R. 1307: Mr. GUTIERREZ, Mr. FOLEY, and Ms. MCKINNEY.
H.R. 1354: Mr. WU, Ms. KILPATRICK, and Mr. MARKEY.
H.R. 1371: Mr. RUSH.
H.R. 1462: Mr. PALLONE and Ms. MCCOLLUM.
H.R. 1475: Ms. DEGETTE.
H.R. 1488: Mr. PASCRELL.
H.R. 1556: Mr. SMITH of Washington, Mr. SNYDER, and Mr. CLYBURN.
H.R. 1609: Mr. BROWN of South Carolina, Mr. ALLEN, Mr. NETHERCUTT, and Mr. SIMMONS.
H.R. 1624: Mr. ENGLISH, Mr. LEWIS of Georgia, Mr. JOHN, and Mrs. THURMAN.
H.R. 1626: Mr. CLEMENT.
H.R. 1731: Mr. FORBES, Mr. WALSH, and Mr. DUNCAN.
H.R. 1754: Mr. GREEN of Wisconsin.
H.R. 1795: Mr. SHAW and Mr. CAMP.
H.R. 1837: Mr. FALEOMAVAEGA.
H.R. 1859: Mr. WYNN and Ms. KAPTUR.
H.R. 1904: Mr. UNDERWOOD, Mr. MURTHA, Mr. GEORGE MILLER of California, and Mr. COYNE.
H.R. 1911: Mr. HEFLEY, Mr. ISRAEL, Mr. FILNER, Mr. KENNEDY of Minnesota, Mr. NETHERCUTT, and Mr. FOLEY.
H.R. 1961: Mr. PASCRELL.
H.R. 1979: Mr. ROSS and Mr. BOOZMAN.
H.R. 1987: Mrs. THURMAN.
H.R. 2014: Mr. ISSA and Mr. PETRI.
H.R. 2036: Mr. MATHESON, Mr. DEAL of Georgia, Mr. KIRK, Ms. WOOLSEY, Mr. GORDON, and Mr. ROSS.
H.R. 2073: Mr. HOEFFEL.
H.R. 2118: Mr. LANGEVIN.
H.R. 2125: Mr. BACA, Ms. BROWN of Florida, Mr. JOHN, Ms. SANCHEZ, Mr. STRICKLAND, Ms. HOOLEY of Oregon, Mr. NORWOOD, and Mr. JEFF MILLER of Florida.
H.R. 2146: Mr. LUCAS of Kentucky and Mr. GRUCCI.
H.R. 2162: Mr. FROST.
H.R. 2219: Mr. NETHERCUTT, Mr. SHIMKUS, Mr. LATOURETTE, and Mr. TANCREDO.
H.R. 2220: Mr. MCHUGH.
H.R. 2237: Mr. BONIOR.
H.R. 2250: Mr. BARTLETT of Maryland.
H.R. 2254: Ms. BALDWIN, Mr. DAVIS of Illinois, and Mr. COSTELLO.
H.R. 2290: Mr. STUPAK, Ms. DUNN, Mrs. THURMAN, and Mr. PASTOR.
H.R. 2323: Mr. MANZULLO.
H.R. 2332: Mr. FOLEY.
H.R. 2335: Mr. SCHAFFER and Mr. FALEOMAVAEGA.
H.R. 2349: Mr. GREENWOOD, Mr. GREEN of Texas, and Mr. PASTOR.
H.R. 2357: Mr. BONILLA.
H.R. 2426: Mr. SNYDER and Mr. ROSS.
H.R. 2435: Mr. WATTS of Oklahoma.
H.R. 2476: Ms. WATERS.
H.R. 2531: Mr. BONIOR.
H.R. 2573: Ms. SCHAKOWSKY and Mr. SHAYS.
H.R. 2638: Mr. REYES, Mr. CLEMENT, Mr. GRAHAM, Mr. SAXTON, Mr. PLATTS, Mr. WEXLER, and Mr. FOLEY.
H.R. 2649: Mr. HUNTER, Mr. KILDEE, Mr. FOLEY, Mr. SHIMKUS, Mr. HASTINGS of Washington, Mr. STUMP, Mr. MCKEON, Mr. SESSIONS, Mr. GRAVES, Mr. CAMP, Mr. ROSS, Mr. MCCRERY, and Mr. PASTOR.
H.R. 2663: Mr. BURR of North Carolina and Mr. TOWNS.
H.R. 2695: Mr. SESSIONS, Ms. ESHOO, and Mr. ACEVEDO-VILA.
H.R. 2764: Mr. POMBO and Mr. MCKEON.
H.R. 2874: Ms. BROWN of Florida and Mr. KUCINICH.
H.R. 2908: Mr. CLEMENT.
H.R. 2953: Mr. RAMSTAD, Mr. MCDERMOTT, and Ms. DUNN.
H.R. 3032: Mr. HINCHEY.
H.R. 3068: Mr. JONES of North Carolina.
H.R. 3105: Mr. KENNEDY of Minnesota.
H.R. 3109: Mr. PASCRELL and Mr. PETERSON of Minnesota.
H.R. 3114: Mrs. CHRISTENSEN.
H.R. 3177: Mr. KENNEDY of Minnesota.
H.R. 3231: Mr. SHIMKUS and Mr. SKEEN.
H.R. 3236: Mr. TOWNS and Mr. HINCHEY.
H.R. 3238: Mr. MASCARA, Mrs. MORELLA, Mr. LYNCH, and Mr. SANDERS.
H.R. 3244: Mr. UNDERWOOD, Mr. STRICKLAND, Mr. LYNCH, Mr. MARKEY, Mrs. MEEK of Florida, Mr. DELAHUNT, Mr. OLVER, Mr. GUTIERREZ, Mr. WEXLER, Mr. WHITFIELD, Mr. ALLEN, Mr. HALL of Ohio, and Mr. RAHALL.
H.R. 3267: Mr. HINCHEY.
H.R. 3279: Mr. CROWLEY.
H.R. 3292: Mr. GRUCCI, Mr. CAMP, and Ms. MCCARTHY, of Missouri.
H.R. 3321: Mr. GIBBONS, Mr. HAYES, Mr. SESSIONS, and Mr. LUCAS of Kentucky.
H.R. 3324: Ms. HARMAN and Mr. BACA.
H.R. 3332: Mr. CASTLE, Mr. LANTOS, Mr. MCHUGH, Mr. ISAKSON, Mr. CAMP, Mr. MCINTYRE, Mr. PICKERING, Mr. ANDREWS, Mr.

OXLEY, Mr. KIRK, Ms. LEE, Mr. CROWLEY, Mr. WELDON of Pennsylvania, Mr. LAFALCE, Mr. BLUMENAUER, Mr. PRICE of North Carolina, Mrs. MALONEY of New York, and Mr. HULSHOF.

H.R. 3337: Mr. UNDERWOOD, Mr. PRICE of North Carolina, Mr. HALL of Ohio, and Mr. SPRATT.

H.R. 3340: Mr. DAVIS of Illinois, Mr. TANCREDO, Mr. KUCINICH, and Ms. CARSON of Indiana.

H.R. 3351: Mr. TAYLOR of Mississippi, Ms. MCKINNEY, Mr. SKELTON, Mr. FOSSELLA, Mr. WU, Mr. GRUCCI, and Mr. FLAKE.

H.R. 3354: Mr. DAVIS of Illinois and Mr. TANCREDO.

H.R. 3368: Mrs. MINK of Hawaii.

H.R. 3369: Mrs. MINK of Hawaii.

H.R. 3382: Mr. FILNER.

H.R. 3399: Mr. OSE.

H.R. 3424: Mr. MCNULTY, Mr. HASTINGS of Florida, Ms. HOOLEY of Oregon, and Mr. GILMAN.

H.R. 3443: Mr. SPRATT, Mr. BARTLETT of Maryland, Mr. LYNCH, and Mr. SCHIFF.

H.R. 3450: Mr. ALLEN, Mr. DELAHUNT, Mr. CLAY, Mr. EVANS, and Ms. VELAZQUEZ.

H.R. 3464: Mr. MCDERMOTT and Mr. MORAN of Virginia.

H.R. 3482: Mr. CALVERT, Mr. COMBEST, Mr. GEKAS, and Ms. JACKSON-LEE of Texas.

H.R. 3497: Mr. SMITH of Michigan.

H.R. 3505: Mrs. TAUSCHER.

H.R. 3522: Mr. SMITH of Texas.

H.R. 3524: Mr. GONZALEZ, Ms. CARSON of Indiana, and Mr. BOUCHER.

H.R. 3561: Ms. HART.

H.R. 3562: Mr. FROST.

H.R. 3569: Mr. GANSKE and Mr. STUPAK.

H.R. 3605: Ms. HART.

H.R. 3617: Mr. FARR of California and Mr. DINGELL.

H.R. 3618: Mr. EVERETT, Mr. CHAMBLISS, and Mr. WATT of North Carolina.

H.R. 3626: Mr. LOBIONDO and Mr. LATOURETTE.

H.R. 3628: Mr. FROST, Mr. MCNULTY, Mr. MCGOVERN, Mrs. CLAYTON, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. RUSH, Mr. TOWNS, Mr. OWENS, Ms. KILPATRICK, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. LYNCH, Ms. WATSON, and Mr. CLYBURN.

H.R. 3634: Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. OWENS, and Mr. PASCRELL.

H.R. 3661: Mrs. BIGGERT, Ms. PRYCE of Ohio, Mr. EHLERS, Mr. TIBERI, and Mr. ABERCROMBIE.

H.R. 3669: Mr. KENNEDY of Minnesota, Mrs. ROUKEMA, Mr. NUSSLE, Mr. WELDON of Florida, and Mr. WALSH.

H.R. 3677: Mr. DUNCAN.

H.R. 3687: Mr. DAVIS of Illinois.

H.R. 3694: Mr. DOOLITTLE, Mr. HALL of Ohio, Mr. SOUDER, Mr. BOUCHER, Ms. ROS-LEHTINEN, Mr. CALLAHAN, Mr. HALL of Texas, and Mr. JEFFERSON.

H.R. 3710: Mr. BONIOR.

H.R. 3713: Mr. NEY, Mr. RANGEL, and Mr. MCINTYRE.

H.R. 3717: Mr. BEREUTER, Mr. KINGSTON, Mr. MICA, Mr. NETHERCUTT, Mrs. JONES of Ohio, Mr. HEFLEY, and Mr. MCINNIS.

H.R. 3733: Mr. ABERCROMBIE.

H.R. 3763: Mr. SHAYS, Mr. GRUCCI, and Mr. KING.

H.R. 3764: Mr. SHAYS.

H.R. 3765: Mr. WAXMAN.

H.R. 3781: Mr. SMITH of New Jersey, Mr. LATOURETTE, Mr. VITTER, Mr. SMITH of Washington, Mr. ROTHMAN, and Mr. LYNCH.

H.R. 3792: Mr. WEXLER, Mr. WELLER, Mr. CLEMENT, Mr. KIRK, and Mr. HORN.

H.R. 3794: Mr. KUCINICH, Mr. KILDEE, and Mr. HOLT.

H.R. 3802: Mr. POMBO.

H.R. 3808: Mr. PETERSON of Minnesota and Mr. CALVERT.

H.R. 3814: Mrs. MALONEY of New York, Mr. WAXMAN, Mr. FROST, and Mr. GUTIERREZ.

H.R. 3831: Mr. FERGUSON and Mr. FILNER.

H.R. 3833: Mr. WALSH, Mr. OSBORNE, and Mr. SCHIFF.

H.R. 3834: Mr. MCGOVERN, Mr. WAXMAN, Mr. FARR of California, Mr. SERRANO, Mr. FOLEY, Ms. MCKINNEY, Mr. KLECZKA, and Mr. SMITH of New Jersey.

H.R. 3847: Mr. PALLONE, Mr. SAXTON, Mr. ROTHMAN, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. HOLT, Mr. PASCRELL, and Mrs. ROUKEMA.

H.R. 3857: Mrs. JOHNSON of Connecticut.

H.R. 3889: Mr. PHELPS, Mr. HINCHEY, Mr. HAYES, Mr. PAUL, Mr. MCHUGH, and Mr. DAVIS of Illinois.

H.R. 3893: Mr. KUCINICH.

H.R. 3894: Mr. PAYNE.

H.R. 3900: Mr. LATHAM, Mr. KELLER, Mr. BROWN of Ohio, and Mrs. NORTHUP.

H.R. 3916: Mr. DINGELL, Mr. KIRK, and Mr. BROWN of Ohio.

H.R. 3919: Ms. PRYCE of Ohio.

H. Con. Res. 42: Mr. WAXMAN, Mr. FARR of California, Ms. ROS-LEHTINEN, and Mr. HOEFFEL.

H.R. Con. Res. 99: Ms. WATERS, Mr. GUTIERREZ, Ms. KAPTUR, and Ms. VELAZQUEZ.

H. Con. Res. 164: Ms. PRYCE of Ohio.

H. Con. Res. 188: Mr. INSLEE.

H. Con. Res. 238: Mr. DOYLE.

H. Con. Res. 315: Mr. PENCE and Mr. ISTOOK.

H. Con. Res. 317: Mr. BACA.

H. Con. Res. 328: Mr. MCDERMOTT.

H. Res. 128: Mr. MALONEY of Connecticut.

H. Res. 300: Mr. BLAGOJEVICH.

H. Res. 348: Mr. TANCREDO and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3215: Mr. GIBBONS.